

EXTENSIONS OF REMARKS

SPECIAL ORDER OF MR. SCHAF-
FER, OMITTED FROM THE CON-
GRESSIONAL RECORD OF TUES-
DAY, NOVEMBER 9, 1999

FINDING ONE CENT ON THE DOLLAR
WORTH OF SAVINGS IN FEDERAL GOV-
ERNMENT SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFER. Mr. Speaker, tonight I want to spend this special order hour talking about two primary topics, one closely related to the second. That first topic is trying to eliminate waste, fraud, and abuse in the Federal Government and in Federal spending.

I want to start out, Mr. Speaker, by alerting Members to a brief history lesson on where congressional over-spending has gone over the last 30 years. In fact, going back to 1970, Members can see the line below the baseline here is the amount of money that the Congress has spent, money that it did not have. This is deficit quantity spending.

Back in 1970, we began a dangerous habit and trend going down here in 1976. Here we were at almost \$100 billion in deficits. We continued to drop and drop, spending more and more without regard to the cash that was on hand for the Federal government. We can see here in 1982 and 1986 the height of Democrat control of Congress was when we were on a virtually spending spree here in Washington.

Then when deficits got at about their worst, down in this area, that is about the point in time that the American people changed their mind. This is when the Republican revolution took place. Americans were fed up with a Congress that year after year after year, from 1970 right on up to the 1992-1993 fiscal years, had spent more money than it had on hand, in fact, borrowing from my children and the children of every other American in order to appease the spending appetite and habits of Washington.

That ended at about this point here. We can see the line beginning to go up when a new idea, a new party was put in charge with majority status in Congress. Members can see when we took over that the deficit spending began to ease, that we began to start moving toward a goal of spending the dollars that we actually had on hand to run the legitimate purposes of the Federal government.

Back there in 1994 when Republicans took over the Congress, they promised in a great Contract with America that we would balance the budget by the

year 2002. Well, we underpromised and overdelivered, because right here in 1998 was the first year in 30 years that the expenditures came above the line here of our baseline spending. In other words, we began to start saving money.

This little purple section here represents a cash surplus that we began to accumulate here in Washington, D.C. It is this surplus that has allowed us to do a number of things. One, it has allowed us to stop borrowing the money. I would remind my colleagues, when we start borrowing money, spending more money than the Congress actually has to spend, we borrow it from somewhere, and the fund of preference for many, many years has been the social security system.

In fact, this Congress and the White House has raided the social security trust fund, the social security system, to the tune of about \$638 billion over a little bit shorter of a time frame. This goes back to 1984.

Once again, we can take a look at where we were when we came here, and President Clinton continued, and this was the year of the tax increase, and the year that the Congress spent quite a lot of money, at the President's insistence.

Again, in 1998, this Congress got serious about stopping the raid on social security. Members can see the dramatic decrease. This is not the final column of the graph here, this is an actual decrease in the propensity of Congress to borrow from the social security system. This is an effort to stop the raid on social security. Members can see that that does end right here, this year, in 1999, the first year we stopped raiding the social security system in order to pay for government.

That is a trend we want to see continue. In fact, we want to see this line continue to go down further and build greater surpluses, including the social security fund. In order to accomplish that, we have to exercise some fiscal discipline right now, this year, in Congress. That is the debate that is taking place presently between the White House and the Congress.

Here is one of the suggestions we came up with as a Republican majority to avoid raiding social security, as the President has proposed to do. We have proposed that of the increase in spending that we have budgeted for this year, that we just tighten our belt a little bit. For every dollar in Federal spending, we are asking the Federal government to come up, the Federal bureaucrats and the Federal agencies, to come up with one cent in savings, in efficiency savings, in order to help rescue the social security fund and to stop borrowing from the social security system.

We want to stop that raid. We think that out of every dollar that is spent in Washington, we can find that one cent in savings and continue to run the legitimate programs and the legitimate services that are needed and necessary under our Federal system, and do it in a way that allows us to save social security at the same time. That is what that one penny on the dollar represents.

When we suggested this idea, folks over at the White House almost had a heart attack. They said, one penny on the dollar? We cannot possibly come up with one penny on the dollar in savings, because that would cripple the Federal government, finding this one cent in savings.

Therein, Mr. Speaker, lies the difference between the Republican majority in Washington and the liberal Democrat leadership that we find down at the White House. We believe that the government can do what every American family does every day, work a little harder to find that one cent savings, to just simply start realizing that we can be more efficient and more effective with a whole assortment of Federal programs to find that one cent.

Again, it was a little frustrating but not surprising here in Washington to hear the various Cabinet secretaries say, we cannot find that one penny on the dollar. All of the Federal departments are so efficient, so lean, so effective, so accountable with their dollars that we cannot possibly find the savings necessary to save social security.

So we, as Members of Congress, decided that we would take it upon ourselves to help. That is the point of today's special order. I appreciate Members going through that brief history with me about how it is we came to the position we are in. It is a very relevant and important position to consider, because at this very moment the impasse in passing a budget hinges on the difference of opinion between this Congress and that White House to find that one penny, and do it in a way that honors and respects not only the taxpayers of America but the children of America, who rely on a sound and credibly run government, and certainly the seniors, the current retirees who rely on social security.

There are a number of great examples. One of our colleagues who I have been told was planning on joining us here issued a report out of his committee, and that report lists, assuming I can put my fingers on it, lists just agency by agency the savings that can be found.

Here are some good examples. Here is the gentleman from California (Mr. HORN) who has arrived. In his report he

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

suggested that we could find savings in the Department of Agriculture. He cited examples in the Department of Defense.

The Department of Defense spent nearly \$40 billion on programs for 15 overseas telecommunications systems that cannot be fully used because the Department failed to obtain proper certifications and approvals from the host nations. That is according to a 1999 Inspector General report.

We found savings in the Department of Education, \$3.3 in loan guarantees for defaulted student loans, according to one General Accounting Office audit. There is more. We will talk about more of that today. He found savings in the Energy Department, in the Health and Human Services Department administration, and so on and so forth.

It is not hard to find savings, to find that one penny, if you are devoted to rolling up your sleeves and doing the hard work of finding the money. It is an important proposition, I suggest, for this Congress and for the White House. Rather than fighting over the relative merit of saving one penny out of a dollar to save social security, we ought to be joining in partnership and rolling up our sleeves together and getting down in the trenches at the Department of Education, in the Department of Defense, over at the Department of Energy, over in health and human services, and working together cooperatively to find all the efficiencies and savings that we possibly can to build a credible government for the future security of our children and for our Nation.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN), who has led the House through this investigation of where these funds may be found and pointed not only me but other colleagues in the direction that we ought to look in order to find some of these savings.

Mr. HORN. Mr. Speaker, I thank the gentleman for yielding to me.

We have a lot of work to do, and a lot of work has been done by Appropriations subcommittees, authorization committees, and the group which I chair is the Subcommittee on Government Management, Information, and Technology, which has jurisdiction across the executive branch. That responsibility includes "the overall economy, efficiency and management of government operations and activities, including Federal procurement." [Rule X, clause 1(g)(6).]

Let me provide some background on this, because a lot of people do not know it. Twenty years ago Congress established Inspectors General in every cabinet department and independent agency. In 1993, Republicans and Democrats worked on a bipartisan basis. All of these laws I am about to mention are bipartisan. Both parties worked together. Congress sought good management. Despite those attempts, the executive branch does not really have good management.

We had the Results and Performance Act in 1994 and we said, "look, we have to start measuring these programs. We sought to find what kind of results were these agencies having? Are they accomplishing the goals Congress established when we authorized the program, not to mention the appropriations which Congress annually provides."

We also had a look at not only how they do their programs, but also could they give us a balance sheet. And we said to the executive branch that they have five years before they have to give us that balance sheet. Well, the fifth year was up in 1998, and what we see here [shows chart] is the analysis we gave of the various balance sheets. In 1999, we thought the executive branch was a pretty sad situation. It is still pretty sad.

There were only two agencies of the 24 major agencies and departments that could give us a decent balance sheet. The first was NASA, the National Aeronautics and Space Administration. Dr. Daniel Goldin is an outstanding administrator and a great visionary. That is a rare combination. The President has cut his budget several times, but despite that he gets first-rate people and they met all the targets that we had put out there.

Next best was the National Science Foundation. Those were the two A's. Now we got to the B's, three B's: General Services Administration. That was recommended by the Hoover Commission under President Truman to consolidate all purchases of the executive branch to get various economies. Next, B-minus, was the Labor Department. They had two yeses on the three categories.

Let me say what the categories were. Was the financial information reliable? Yes or no? They either made it or they did not make it, and that was a judgment of auditors from the General Accounting Office [GAO]. The GAO is a major asset to Congress. Under the Harding administration, Congress recognized that there was a need to focus on management and accountability. In the Budget and Accounting Act of 1922, Congress put all the auditors accountants together in what is known as the General Accounting Office. That office is part of the legislative branch. It provide us with the tools to conduct oversight not just in accounting, but with the Reorganization Act of 1946, Congress also gave programmatic review authority.

However, as long as Speaker Rayburn was alive and Clarence Cannon was head of the House Committee on Appropriations, they refused to let the General Accounting Office do anything in terms of program measurement review. "Just stick to accounting," they said. Reality is that we need both. Thus, when we looked at the balance sheets from the departments and agencies, we examined then by asking a few basic questions. The first question was: "Did the agency have a qualified opinion or not?"

The second question was effective internal controls, "Did the agency have them or not? Their Inspector Generals, which was the group I mentioned that started 20 years ago, do excellent work in noting what kind of things go wrong within a particular agency."

The third question was "Are they in compliance with the laws and regulations"? That would mean the laws of Congress, the executive orders of the President, and the regulations issued by the agency head. The answer is either yes or no. As I say, only two agencies met the three "yes" tests: NASA and the NSF. We are now in the B-minuses, they had two yeses, and that was GSA, Labor and the Social Security Administration. In the 1960s when I was on the Senate staff, most of us would say that the Social Security Administration was the best run administration in Washington, regardless which party is in power in the presidency. In brief Social Security gets the work done with about 43 million checks a month here and 50 million there.

Now, the C's start with the Department of Energy. They had a qualified accounting opinion. They did not have effective internal controls and they did have some compliance with the laws.

Next is FEMA, the Federal Emergency Management Agency has been a very well run agency with James Lee Witt as Director. Most of the old timers here have said that Witt is the first person that ever knew what he was doing over there. Mr. Witt came from Arkansas with the current administration. I think most Members that have dealt with him know that he is right there on the spot and he and his staff want to be helpful.

But on this point, accounting, can they give us a balance sheet? FEMA had one yes, two noes with the three criteria I mentioned.

Next is the D-plus range. That includes Housing and Urban Development and the Nuclear Regulatory Commission. Health and Human Services, is also in the D-minus range. There is also a D-minus for the Treasury. The Agency for International Development and the Department of Veterans Affairs are next.

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield? Could the gentleman just repeat what the Treasury Department got?

Mr. HORN. The Treasury, I am just getting to it.

Mr. HOEKSTRA. The gentleman went by it rather quickly and it was just like this is the agency that is kind of the watchdog agency for how all the other agencies spend their money and they got a—

Mr. HORN. Mr. Speaker, the gentleman is right on that, and we can get into that because we have had numerous hearings on the Financial Management Service, a key agency that services other agency such as the Social Security Administration. But in terms of where Treasury was on this balance sheet, they received a qualified opinion. They did not meet any of our three

criteria. Thus, the Treasury has a D-minus. So was the Veterans Administration.

And then we get to the F, the dunce cap category, which starts with the Agency for International Development, Agriculture, the Department of Defense, Justice, and the Office of Personnel Management.

Now, their balance sheets probably came in later, but they did not meet the statutory limit that was set back in 1994. At that time I was on the Committee on Government Operations [now Government Reform]. We knew that there would be two agencies that would never make it. One was the Department of Defense and the other was the Internal Revenue Service.

Well, Mr. Speaker, we were surprised that the Internal Revenue Service did make it and they are an agency within Treasury. But Treasury has a lot of other problems. Hopefully, they are coming out of that now.

This chart provides an overview based on that particular law. Congress has passed the so-called Cohen-Clinger Act, which was designed to liberalize the purchasing of Federal goods and services. And we also have the statute requiring the chief financial officer. That officer is to report directly to the head of the agency.

We also required a chief information officer to be responsible for all computing and communications together under one person who would report directly to the Cabinet Secretary or the operating Deputy Secretary of the department.

We voted for these laws because we felt that they would result in better management. These actions are somewhat like the city manager movement that started in the 1920s. The cities were a mess in this country. A political mayor would get into office and he put all of his relatives on the city payrolls. In Cincinnati, Ohio, the city manager movement started. Non-political professionals were hired to do the job. As was said "Garbage is not Republican or Democratic, we just have to get the garbage off the streets and out of people's backyards."

This is the approach that we have taken. I run a very bipartisan subcommittee. The ranking Democrats since 1995 have been very cooperative and helpful in working on these management improvements. Congress can enact them, but the executive branch still limps along and does not face up to a lot of these management issues.

An example, this was a Hoover Commission recommendation during the Truman administration. It was a good one, every department should have an Assistant Secretary for Management. That person would be a professional. We agree with that. So when we passed two more laws that required agencies to establish a chief financial officer and, later, a chief information officer, guess what some of the agencies did. They just added the two to an already overloaded Assistant Secretary for

Management. That is nonsense. That was not what Congress intended.

Mr. Speaker, in Washington, we need people who are willing to work in this town about 12 hour days and 6 to 7 days a week when they are an executive whether a political appointee or a senior civil servant. Those are the same hours we work on Capitol Hill. It takes that energy to get the job done, and the executive branch does not get the work done because the responsibility has been put under one person who cannot do one job well, let alone have two or three major jobs. That formula is made for failure. That is why the Treasury has had problems.

Mr. SCHAFFER. Mr. Speaker, will the gentleman yield? The gentleman mentioned earlier that one of the key components and one of the newer components is the performance audit mechanism that we have in place now. This is not just a matter of auditing funds for the financial management and cash flow management of these various funds. We are also now looking through the Inspector General at the actual performance of agencies. How these individuals measure up when compared to the expectations of the country and the directives that come down from the chief executive, the President in this case, and whether they comply by the law in order to execute the duties that are put to them.

This is an important provision as well, because it is Congress that establishes policy for the country, not the President. Congress passes the law. And these performance audits in my view seem to be a critical element not just in making sure that we manage the funds right, but that these programs are being run in a way that more closely approximates the objectives of this Congress and thereby the American people.

Mr. Speaker, I would yield to the gentleman on that performance component of these audits.

Mr. HORN. Mr. Speaker, the gentleman is absolutely correct. This is what I feel the most about, and I have had hearings on the Australian and New Zealand Governments. We have taken a team to look at what they have done. Those are two of the most reform governments in the world.

It is interesting. They copied Prime Minister Thatcher, a conservative who made changes in the United Kingdom's government. But these were both socialist governments in New Zealand and Australia. After their election, they looked around at the fiscal situation and said, "Wait a minute, we do not know how good these programs are, and it looks as we project our expenditures down the line, we are going to be in deep deficits." That is exactly what we have been in in the United States.

Mr. Speaker, that was why in 1994, on a bipartisan basis, we put this performance and results law on the books. This is the tough one to do. Anybody can go out and develop a balance sheet if they have done their job right fiscally, but

measurement creates a real problem. The only government in this country that has a decent measurement system is the State of Oregon. Minnesota is headed in that direction and so is South Carolina. We called them all in and said give us some advice on this.

As I said, we can use public opinion polls. We want to see that the clientele is getting satisfaction out of whatever program it is. One way would be polling. One way would be to also survey manpower retraining, to go out and find did these people really get a job? Are they still in a job 6 months later? How about 1 year later? Maybe we are not doing the job, even though we think we have some great programs and the people running it are well-meaning.

Mr. SCHAFFER. Mr. Speaker, if I could ask one more question, and that is let us take this down to the bottom line and that is from a partisan perspective this is frankly one of the criticisms Republicans get. That we bring charts and graphs to the floor of the House that deal with the accounting mechanisms and the detailed minutia of the finances of government and we talk about applying a business sense to government and these are important things and people believe that we care about this. But to the person on the street, they just want to know that these agencies are being run well.

This can be for some people kind of boring, and also for our own colleagues. They do not want to spend the time going through the detail and the monotony and the numbers of governing. But the reason we are so dedicated and committed to these kinds of audits and the professional management of a huge \$1.6 trillion Federal Government is that this matters for real people.

Mr. Speaker, I am wondering if the gentleman could turn this to a discussion of why this matters. Who should care about the efficiency and effectiveness of our financial management, as well as the performance of all of these people running around Washington, D.C., with somebody else's money?

Mr. HORN. Well, number one the gentleman has just put his finger on it and that is the average taxpayer ought to care because they are paying taxes. We are appropriating them. First, we are authorizing them. The gentleman from Pennsylvania (Chairman GOODLING) is here. He has done a fine job in terms of education and the workplace. And we need to focus in. And frankly, we need the help, and not enough authorizing committees have taken a stand and really spent the time which must be spent.

This takes a lot of time. Our oversight subcommittee had 80 hearings in the last Congress. I think that is more than any full committee has had in Congress. That is because we try to dig into these things. Now, we have limited ourselves in staff. If we had kept the number of staff positions our friends, the Democrats, had for 40 years, we could have been able to do a lot more

of this work. But we live with what we have to live with. I think we have done a very good job.

The General Accounting Office has been first rate. I have outlined a series of hearings now that I want to do in the first 6 months of next year. I try to give GAO 6 months to put a team together which will go into the agencies and examine what is really going on. At the hearing I will hold, GAO will be my principal witness.

Mr. SCHAFFER. Mr. Speaker, I would like to point out in graphic detail the reason these kinds of financial considerations are so important. Why the business details of running government really matter. Because what we see in the purple below the baseline here is the Federal deficit for the 30 years that the Democrats were in control of this Congress. Year after year after year these folks did not pay attention to these details and what happened is they ended up spending far more money than the American taxpayer sent to Washington. It looks like a geographic chart of the bottom of the ocean.

Mr. HORN. We could say it is the bear looking into the glassy lake which acts as a mirror and seeing a mountain down there.

Mr. SCHAFFER. It sure is. And the proof that these kinds of details matter to real people starts here. This is as bad as it got and this is the year that the American people said enough is enough. We are sending new people to Washington. We are sending people to Washington who know how to run the government like a business. These principles are the ones that we began to apply here and we can see that there are a number of causes for this reduction in deficit spending up to the point where we are starting to accumulate surpluses.

But this is among them, because not only did we start talking about managing the taxpayers' money better through government management, we also talked about some of the policy decisions that we make, asking questions like, do we really need to spend all that money on all those programs? We found we can eliminate quite a few of them, and the American people do not miss them. They do not notice the difference.

We are now beginning to focus on a government that is more efficient that supports a more robust economy. That combination of a leaner, more effective, more legitimate governing structure in Washington, combined with a strong economy, is allowing this combination, this partnership of a Republican vision in Congress, plus the economic ingenuity of the American people, to really pull ourselves up out of this lake and move us into the path of prosperity where we can start talking now about saving Social Security in legitimate terms, providing world class education for our children, providing for a national defense that is second to none, and providing safety and security for all of our families.

Mr. HORN. Mr. Speaker, we really need to commend Congress, and that is what we are doing, but since the gentleman from Pennsylvania (Chairman GOODLING) is here, he has done a lot of it in education, that is, give flexibility to the people that have to implement these programs. Generally, in the case of education as well as a lot of others, one goes through the State system, the counties, and finally the school districts. If one does not give them flexibility, we are in trouble.

But one will find, every time we try to merge some of these programs and give the local people where the action is these particular dollars, one can then sort of figure out where one would like to use it. The first thing we hear is we cannot do that. I mean, they have a little niche they are protecting in the school district, and this is nonsense.

I think the most successful revenue scheme we ever had was revenue sharing. President Nixon was a big backer of that. Mel Laird had thought of it when he was a Member from Wisconsin. Wilbur Mills finally let it go when he wanted to run for President.

But what happened, for 10 years, we gave counties and cities a certain allotment based on population, whatever formula. They are in a position to know what their needs are. We are not, and neither are the executives sitting downtown a few blocks from us.

Under President Reagan, regretfully, and the Democratic Congress had always wanted to kill it, and the lobbyists wanted to kill it, but the fact is they regretfully gave in on it. They never should have. They should have vetoed the attempt to cut it off. Because then one has got city council members that are elected that know what the needs of that city are. That is a contribution we have made.

Now that we are putting more and more money in education, which nobody would have ever thought we would provide this much money to K through 12 education, and it just seems to me that we run into the same thing here that people yell and scream when one thing is merged with the other. Well, it should be. It should be the people at the grassroots, the superintendent, the advisors to the superintendent, the teachers.

I think when we passed last year in this House that one puts 100 percent, 95 percent, really, into the classroom, that is a real revolution in this town. It obviously scares the living daylight out of lobbyists and the Department of Education.

Mr. SCHAFFER. Mr. Speaker, this education shift that we have pushed for since taking over the Congress as a Republican Party is an encouraging one for governors and for State legislators and for school superintendents, school board members, principals, and so on. They like the idea that we are giving their dollars back to them, Federal dollars back to the State level, and giving them the flexibility and holding them accountable for the expenditures of those funds.

But just out of curiosity, because I want to ask one more question about the Department of Education as it relates to the chart, and it is an important question because the debate we have right now over education with the White House is about this question of flexibility. We want to give more flexibility in this budget to States to spend dollars on classrooms and the way Governors and legislators and superintendents, school board members, and so on see fit. The White House, on the other hand, wants to consolidate education authority here in Washington, D.C.

The gentleman from California (Mr. HORN) mentioned those people running around Washington, the bureaucrats who are in charge of these agencies who the President would entrust the greater proportion of decision making in education, what kind of grade did they get in the Department of Education when it came to the gentleman's audit?

Mr. HORN. Mr. Speaker, it is really an F, because all of this group failed to respond. It is ironic that agencies demand forms from everybody else. Yet, when Congress demands it, it needs to appropriate the money for the agency. My colleagues will remember, it was, did you have reliable information on the finance side? That was up to the auditors to advise us on that. Effective internal controls, the auditors, again, could write us an opinion on this and did. Or they just did not file. Compliance with laws and regulations, both our staff and GAO, do that primarily.

So what we have here is now just for fiscal year 1998. They have not closed and sent it to us for fiscal year 1999 because it has not closed yet. It will on September 30th. So we look forward next spring to examine the balance sheets and ask the authorizing committees and the subcommittees on appropriations to take a careful look and call in the people.

The discussion cannot be only at the staff level. Those discussions must be at the Member level. We are the ones at the grassroots, with all due respect to our staff and I have a first rate one. We are the ones that should be eyeball to eyeball across the table with our executive counterparts and say, "Okay, let us take a look at it. How are you measuring these programs?"

Mr. SCHAFFER. Mr. Speaker, we learned just within the last few days that, on the 18th of November, next week, the Department of Education will be certifying their numbers or complying with the audit requirements for the Department of Education for 1998.

The report they are preparing to send up to Congress is one that suggests and says that the 1998 books in the Department of Education are not auditable. They are not auditable. This is an important graphic and picture to show that, for an agency that manages approximately \$120 billion in assets, when we include the loan portfolio as well as the direct appropriation of \$35 billion

annually, for an agency of that size to be unable to tell us how they spend their money is inexcusable.

Yet, that is the answer they will give on the 18th when they send that report up to the Congress and to the General Accounting Office, that the books at the Department of Education are not auditable.

The chairman from the Committee on Education and the Workforce is here for that point. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, this is why I wanted to stop the direct lending programs before it gets started, because who can imagine a department in Washington, D.C. and this Federal Government running the largest bank in the world. I mean, it was so obvious that they could not do that.

Of course what happened, as my colleagues know in committee, we had to bail them out last year. They could not even consolidate loans. They were behind \$80,000. Young people leaving college, getting a car, getting a job, getting that home, consolidating their loans are very, very important.

What did we have to do? We had to say to the private sector, you will have to come in and bail them out. You know how to do it. That is what the whole debate is on right now. That is one of the reasons we are still here, because, of course, Mr. Speaker, in his comments yesterday, the President said that, in just one year, schools across America have actually hired over 29,000 new highly trained teachers thanks to our class size reduction initiative.

Well, I would like them to show us where they are. We are having so many conflicting reports. Some have said 21,000. Some have said 23,000. The greater city schools just put out a study, and they said that they got 3,500 teachers hired in the 40th largest district in the country, which is where most of these funds go is where most of the poverty is.

So our debate is not over whether one reduces class size or whether one does not. No, as a parent, as an educator, I know that is important. I did that as a superintendent 30 years ago, thanks to a school board that thought that that was important. That is not the debate at all.

The debate is over quality and flexibility, because we can get ourselves into some more of these debts. If, after we go through this exercise, we end up having this kind of report appear in the newspaper, this report yesterday in the Daily News, New York, "Not Fit To Teach Your Kid; In some city schools, 50 percent of teachers are uncertified."

Well, we know at least however many teachers they hired in this last year under this new program, we know that at least 10 percent were not certified. We have no idea how many are not qualified, but we know 10 percent are not certified.

Mr. HORN. Mr. Speaker, would the gentleman from Pennsylvania agree

that the sadness of this administration, very frankly, is that they read too many public opinion polls, and they do not lead, and they do not provide leadership. That is part of the problem here? They mostly engage in public relations everyday. But what has happened? In other words, here they are criticizing our attempt to let the local people who know what the problems are to use the funds that the Federal Government is going to appropriate to them. Obviously, some funds can go for new teachers. Some funds can go for teacher professionalism and training. There is a dire need for computing capacity. That is certainly needed as we go into this digital world.

But in my State, we have thousands of illegal immigrant children. Where are we going to put them? What roof are we going to put over them. In the northeastern States, they do not have all the sunshine we do. They face a major problem. Will students have snow coming through the roofs that are not there?

So superintendents will say, "Look, maybe I want a mix of this. I have to have that new elementary school. We have 5,000 children that are going to sign up for it." That is the kind of numbers we are talking in Long Beach, California and Los Angeles.

Mr. GOODLING. Mr. Speaker, which is exactly why our committee reported out in a bipartisan way, they passed the Teacher Empowerment Act, saying please do not just go out and hire teachers to reduce class size if you cannot find quality. Please do not go out and hire teachers if you do not have any space to put them in. Let the local district determine what is most important in order to raise the academic achievement of all children. That is what the debate should be about. The debate is not about class size. It is about flexibility. It is about quality.

The Secretary had a report today, and it was kind of interesting because he challenged us. He said, ask these people that got all these teachers to reduce class size what they think about it. They highlighted Jackson, Mississippi as one of them. So we called Jackson, Mississippi. The superintendent said, "Oh, of course I am for class size reduction." She also said, "I loved the money. I appreciated the money." But she said, "If I had some flexibility, I rather would have used a larger portion of these funds for technology and professional development." Then she went on to say, "All of this with the goal of improving student achievement." Now, this superintendent knows what is most important.

So we called a few more. We called Greencastle, Pennsylvania. They got \$39,600. They are not going to hire too many teachers with that \$39,600.

Mr. HORN. Mr. Speaker, they are lucky to get one.

Mr. GOODLING. Mr. Speaker, what did he say. He said he would purchase software programs to provide remedial

math and reading assistance to students in early grades if he could have used that money in that manner.

Then we called the Erie school district. They got \$796,000. They said they would have used it in three different areas. First of all, they have a program, after school hours direct assistance for students who call in who are having homework problems. They would have used some of it for that purpose. They would have purchased more advanced technology and software to help students improve their academic performance. They would have used it for teacher training, for their research-based education programs, particularly as it relates to incorporating standards into classroom curriculum and lesson plans.

Then we called West Allegheny, \$44,900. They said they would have used it to create an integrated approach for curriculum instruction, focusing on early intervention programs. In essence, they would use the money to develop instructional approaches specifically targeted to at-risk young children helping those students make the critical transition from prekindergarten at the present to kindergarten to first grade.

Yes, we did just what the Secretary said. This is what they came back with. They said give us the flexibility. Yes, we like the money. Yes, we want to reduce class size. But there are so many important things.

Mr. HORN. Mr. Speaker, the model on this, as my colleagues know, is what the President wanted, and I supported him on that request and developed same language for the COPS program. The real problem is where is the second, third, and fourth year money to help, because it is very hard for that locality to provide it. So it is here again, and that is exactly what is going on here.

Mr. GOODLING. Mr. Speaker, when we talk about the appropriators appropriating \$1.2 billion for this program, \$1.2 billion gets 6,000 teachers. One says, well how come? Well, because, first of all, they have to pay for however many they got this year because they remain on that payroll. We do not know whether it is 5 years or 7 for everybody. From this year on, it is 7 years. So for the \$1.2 billion, we only get the 6,000 teachers. Again, there are anywhere between 15,000 and 17,000 public school districts. There are more than 100,000 school buildings within those public school systems.

So my colleagues can see, when we talk about 100,000 teachers, there has got to be quality, and there has to be flexibility. That is what the argument is. It has nothing to do with class size.

Mr. HORN. Mr. Speaker, maybe Congress ought to pass a law that says cabinet officers of departments that have administrative problems should have had some administrative experience. The gentleman from Pennsylvania has had it. I have had it.

Mr. GOODLING. Mr. Speaker, that would be a good idea.

Mr. HORN. A number of this body have had that experience as a governor or mayor. We look downtown, they have never done anything, many of them. They are just there. Some are simply politicians without major administrative experience. And that is fine, I love politicians.

So let me just read my first and last sentence and what I sent to my colleagues, Democrat and Republican today, with my fine excellent staff digging up all this from General Accounting Office reports and inspector generals. I said, "Last week, President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending throughout the Federal Government, saying the loss would place too great a burden on American families." So I end this with, "The President's concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible businesslike manner."

Now, he is the chief executive of the government of the United States. Instead of taking trips every day, going almost everywhere, and still acting like he is running for an election, he ought to be really rolling up his sleeves, getting his people around the table, and saying, "Look, folks, we only have about a year more, let us leave a legacy of which we can be proud of." That is what he should be doing. That is what an executive would do.

Mr. GOODLING. And I would like him also to remember back, because, Mr. Speaker, in his book *Putting People First*, during the 1992 campaign, the chapter on education says this, "Grant expanded decision-making powers to the school level, empowering principals, teachers and parents with increased flexibility in educating our children." That is what he said back in his book as he ran for president in relationship to what a president should be bringing forth here in government.

Mr. SCHAFFER. Mr. Speaker, just to point out, I read that same report and managed to have that highlighted and blown up here for Members of the House to be reminded of the President's position back when he was candidate Clinton. But now as President Clinton his opinion is quite different.

Mr. GOODLING. I agree with that 100 percent. He also said as governor, when he was talking about flexibility and local control, and this is very interesting, "There is a consensus emerging that we ought to focus on goals that measure performance rather than input. Instead of saying we ought to have small classes in the lower grades, we say, here is what children should know when they get out of grade school." That is the end of his quote, and I agree 100 percent with that also.

But that is different than what we are confronted with now. And, again, I cannot emphasize enough that the argument has nothing to do with class size. The argument has to do with flexibility and quality.

Mr. SCHAFFER. If I could point out, with respect to education, it is important to remember at this point in time in the debate between the Congress and the White House on this budget that there is no disagreement either fundamentally on the amount of money to be spent.

Mr. GOODLING. In fact, we propose more.

Mr. SCHAFFER. Our proposal is significantly more for education than what the White House had suggested. The debate, then, really does come down to this flexibility question.

Mr. GOODLING. And quality.

Mr. SCHAFFER. And we understand throughout the country that there are some districts where class size reduction is important, where they would like to use the money to hire more teachers. But that is not true in all districts throughout the country.

And what happens is when we tell districts whether they need the new teachers or not that they must hire them with the money, what happens is districts just spend the cash, because that is what the law says they must do. They spend the cash on anybody, whether they need that teacher or not.

And what happens is we end up with the headline, like the chairman is showing us right now, telling us that there are teachers in America now who are not fit to teach. And the reason is there is a huge pile of cash here in Washington, and the President sends it back to the States and says they cannot spend it on computers, if they want computers, and they cannot spend it on training if they need to do training, and they cannot spend it to fix the leaky roof, if the roof needs fixed; he says they must spend it on the teachers that he decides they must hire, whether they need them or not. And this is the headline we see when we spend money, the people's money, in such a reckless sort of way.

We are trying to turn these headlines around into positive headlines by putting principals and superintendents in charge of the money, because they are the ones who know the teachers' names, they are the ones who know the names of the students and the families, they are the ones who know what schools need. The President, I assure my colleagues, does not have a clue what schools in my State need, and I am doing everything I can, which is why we are here at 11 p.m. at night eastern time, fighting for our children, because we believe that these children really do matter and they deserve our help.

Mr. GOODLING. The tragedy here is that 25 percent of this 50 percent may be very, very capable individuals. And if they could take the money to properly prepare them, to teach the math and the science, to teach the reading, they could save them and they could have quality teachers in the classroom.

But that is not what we say. We say, here, take the money and reduce class size. And when I said, but California

tried that and they got all messed up, the response was, well, they tried to do it too quickly. Well, this city did not try to do it too quickly. This is over years and years and years. And so all we need to do is give the kind of flexibility and then demand quality and demand accountability, and they will do well.

Mr. HORN. Well, I agree with the gentlemen, that is what we are trying to do to the executive branch in general of this Federal Government. It is sad, as I said earlier, that the President rules by polls instead of ruling by the instincts he had when he was governor and experienced these problems. They seem to have been forgotten.

In the early 1980s, I met the President. He was not the President then, he was a governor. And I met him because the business of the Higher Education Forum was trying to put its finger on what is wrong with the whole job situation in America, and part of, we said, must be the K-12 problem. And we asked the staff to go get two experts that would talk on this subject who are dealing with it. And we had governor Cane of New Jersey and Governor Clinton of Arkansas.

The membership of this was 40 of us were university presidents and 40 were CEOs from the top 100 American corporations. And the TRW CEO was the one that went to President Reagan and said, look, we have to face up to the K-12 situation, and the President was very supportive of that. But what we have here is we have spent, what, \$2 billion more this year than anybody would have expected in education? We have done the same thing in the National Institutes of Health under the gentleman from Illinois (Mr. PORTER).

And I was particularly pleased, as a former university president, where the Pell Grants are, that we have upped the maximum every year, and this is the first time that has ever happened in Congress. The Democrats did not do it, the Republicans did. And I know how important those grants are if young people in financial need are going to get a decent education.

Now, one of the problems here is debt collection. The gentleman mentioned some of the accounting messes that are in the student loan program. The major bill I have put on the books since coming here was the debt collection bill. And when we did a test one time, we found out one person that was getting a Pell Grant classified as a millionaire on his income tax. And we could have a lot of little things like that that run one tape against the other and we can find it.

But what is needed is to have accountability, as the gentleman said. These are not grants, these are loans. I am all for grants, if we had the money, but we do not have the money and we have to revolve that money coming back from the loan.

Mr. GOODLING. And as the gentleman knows, when we reauthorized

the Higher Education Act, we specifically placed in the Department of Education someone who knows something about student loans and told him that he was not involved in policy; that he is involved in the business of making sure that that system runs properly, so that we do not have the foul-up we had last year when we had to bail them out in their direct lending program.

Mr. SCHAFFER. Well, the need to bail out the program under the Clinton administration is easy to understand when we just review the findings of the committee chaired by the gentleman from California (Mr. HORN). He found that in fiscal year 1997, the Federal Government spent more than \$3.3 billion on loan guarantees for defaulted student loans, and that is according to the General Accounting Office audit.

In addition, the Department had overpaid 102,000 students Pell Grants, totaling \$109 million. The audit also found that 1,200 students falsely claimed veterans' status to increase their eligibility to the program. That cost taxpayers almost \$2 million.

So the necessity is very obvious here when it comes to managing these loan programs. And just squeezing that one penny out of the dollar in efficiency that we are looking for, we know where to find it, and we are on to a worthwhile strategy to try to accomplish that. But the Department of Education is probably the best place we could start looking, because, as I mentioned earlier, their financial books are not even auditable for 1998. And so that ought to send up a red flag and tell us that there is probably a little bit of waste, fraud, and abuse, just like the examples the chairman found, and we are going to go look for more.

Mr. HORN. Well, good luck. We will be right behind you.

Mr. SCHAFFER. Mr. Speaker, I would also like to add one more observation from a governor, the governor from California, Governor Gray Davis.

Now, Governor Gray Davis is not one who agrees with us on a day-to-day basis on a great many issues. He is a pretty classic Democrat, very liberal, and one who agrees typically with the President of the United States. But when he was on Meet the Press earlier this year, here is what he said about this notion of having the President tell him that he must spend his money, the State's money, on hiring new teachers. Here is what Governor Davis said from California.

"Secretary Riley," the Secretary of the Department of Education, "was telling me about the \$1.2 billion that was appropriated to reduce class size to 18 in the first three grades. Now, in California, this is one of the few areas where we're ahead in public education. We're already down to 20 per class size in K-4. So that money, which is supposed to be earmarked to an area where we've already pretty much achieved the goal, would best serve reducing class size in math and English in the 10th grade."

But, of course, the Governor cannot spend the money on the tenth grade as he would like because the President will not let him.

The Governor goes on. "So if Washington says to the states, you must improve student performance and we'll give you the money, that will give all the governors the flexibility to get the job done."

Well, what the Governor pointed out in that last quote is the Republican plan. Our plan is to give the governors the flexibility. The Governor of California is at the other end of the country that way. He is about as far away from here as you can get. And the notion that the people here in Washington should tell the Governor way over there in California what is in the best interest of the Governor's students and his constituents is ludicrous.

Mr. HORN. Governor Davis is pursuing an excellent policy, the same that was started by Governor Wilson, his Republican predecessor. And let me tell you, it has made a difference, particularly in reading. It started in the lowest grade and it moved up one grade each year. Teachers are much happier, and I have seen them with glee as they have the opportunities and time, that is what counts, to work with young people.

Governor Wilson started that and that was a major breakthrough. And of course, it is State money, not Federal money, that basically supports American K-12 education.

Mr. SCHAFFER. Mr. Speaker, I would like to ask the chairman of the Committee on Education to comment if he would just on the politics of this education because I think many parents who are sitting at home and thinking about their children waking up in the morning and going to school, they might be packing tomorrow's lunch right now and preparing it for their children, tucking them into bed, and making sure that they are prepared to go to school in the morning, those parents who think about these issues, they do not believe this, they just cannot understand why there are people here in Washington who want to consolidate all the education authority here in Washington to put the people in charge who earn an F on a financial and performance audits and do so at the expense of the classroom teachers who we trust.

My colleague have been here a few years, a few more years than I have, and he as the chairman has been able to see inside the capital, the politics taking place, the lobbying taking place.

What kind of special interests drives such a bizarre agenda that would suggest that these people here in Washington know better than my child's teacher out in Colorado?

Mr. GOODLING. Mr. Speaker, one of the greatest problems I have always had since I have been here in Washington is that the people who lobby in Washington for different groups, they

are totally out of touch with what is going on back in the local area.

We got this letter on the Straight A's from the National School Boards Association. Unbelievable. I wrote back and I said, you do not express what my school board members are saying back in my district. But it is consolidation of power in Washington. And that is the argument here.

The argument has nothing to do, as I said, with class size. It is flexibility and quality and not consolidating that power.

Mr. SCHAFFER. Mr. Speaker, the Straight A's bill, for those of our colleagues who may not remember the actual debate, the Straight A's bill is a Republican initiative designed to cut the strings and red tape for States so that States, in a grand scale, can begin to spend Federal education dollars on the programs that a governor or State legislature may choose.

Mr. GOODLING. Mr. Speaker, the greatest problem I had as a superintendent with Federal funds is that the auditor never came out to see whether you were accomplishing anything, whether children were improving at all, whether the academic standards were going up, or anything else. They only came out to see did the pennies go exactly where they in Washington said the pennies should go.

So you would get all these little programs. You could not consolidate any of them. You could not commingle any of the funds. If you did, you were in real trouble. So you had all these little programs doing nothing, when you knew and your teachers knew and the parents knew that if you could consolidate some of those programs, you could really improve the academic achievement of children. You could not do it because that is not what the auditors were interested in.

Mr. HORN. Well, would my colleague not say one of the problems is also the Washington professional staffs of some of these lobbies? In other words, if they can raise cane with their grass roots dues payers, they will have a job next year and they will have a bigger staff next year?

That is part of the problem. They do not want to admit that we know something because we are in the grass roots. We walk in schools. Most of them do not go out and walk into schools and see what is happening.

Mr. SCHAFFER. Mr. Speaker, those organizations are well represented here in Washington. There are hundreds, if not thousands, of lobbyists representing these organizations that are for the bureaucratic structure. They represent various vestiges of this grand education bureaucracy.

And my colleague is absolutely right. The three of us here are a legitimate threat to those bureaucrats. We want to help them find a new line of work. We would prefer to see our teachers back home, our principals, and our superintendents have more authority to help educate our children. And we care about that.

These lobbyists roaming the halls right outside the doors here and over in the committee meetings, they harass you as you walk down the hallway trying to get you to keep all this authority and power in Washington so that they can manipulate it and they can derive their power from these rules and regulations.

Well, the children really do not have lobbyists around here. All they have are us. I am proud to take up that challenge. I am proud to represent children in American schools today who deserve a good quality, first rate education. They deserve teachers who are not constrained by the rules of Washington but are able to have the full liberty to teach and where children have the freedom to learn.

I have got four of these children myself. They are getting ready for bed right now out in Colorado, where it is 9:18; and they will be getting up shortly and heading off to school in a public school tomorrow. And I want those teachers to have the greatest amount of academic liberty. I do not want these people running around the hallways here to decide what is in the best interest of my children.

That is what the Straight A's bill represented. It was a bill to help local schools do better. Those who oppose the Straight A's, those who were in favor of the President's plan also to define how these monies will be spent are really not in favor of children. And that is the difference of opinion that we are proud to stand on the side of children.

Mr. HORN. Mr. Speaker, children do not pay dues. That is what it gets down to.

Mr. Speaker, I include for the RECORD the following "dear colleague" letter:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, November 9, 1999.

DEAR COLLEAGUE: Last week, President Clinton vetoed a bill that called for a 1 percent cut in discretionary spending throughout the Federal Government, saying the loss would place too great a burden on American families. The one-penny-on-the-dollar budget cut would not have affected entitlement programs, such as Social Security, Medicare or welfare programs. Meanwhile, however, the ongoing financial waste in the Government far exceeds the proposed 1 percent cut. The following list is merely a sampling of the problems found within the departments and agencies of the executive branch, all of whom report to the President. Unless otherwise noted, examples were received in testimony before the Subcommittee on Government Management, Information, and Technology. Some of the waste in Cabinet departments and agencies are:

Agriculture—In FY 1997, the department erroneously issued about \$1 billion in food stamp overpayments, amounting to approximately 5 percent of the entire food stamp program. (GAO Report)

Defense—The department spent nearly \$40 billion on programs for 15 overseas telecommunications systems that cannot be fully used because the department failed to obtain proper certifications and approvals from the host nations, according to a 1999 inspector general audit. (DOD OIG Report)

In September 1997, the Defense Department's inventory contained \$11 billion worth of unneeded equipment. (GAO Report)

Over the last three years, the Department of the Navy wrote off \$3 billion of inventory lost in transit. (GAO Report)

During a five-year period, defense contractors voluntarily returned \$4.6 billion in overpayments the department failed to detect. (GAO Report)

The Defense Department spent an estimated \$54 million on newly developed indoor firing ranges that are not being used. (DOD OIG Report)

Education—In FY 1997, the Federal Government spent more than \$3.3 billion in loan guarantees for defaulted student loans, according to a GAO audit. In addition, the department had over-paid 102,000 students Pell grants totaling \$109 million. The audit also found that 1,200 students falsely claimed veteran status to increase their eligibility to the program, costing taxpayers \$1.9 million. (GAO Report)

Energy—Between 1980 and 1996, the Department of Energy spent more than \$10 billion for 31 systems acquisition projects that were terminated before completion. (GAO Report)

Health and Human Services—The Health Care Financing Administration erroneously spent \$12.6 billion in overpayments to health care providers in its Medicare fee-for-service program during FY 1998 (the most recent available). HCFA has not yet assessed the potential problem in its \$33 billion Medicare Managed Care program or \$98 billion Medicaid program.

Housing and Urban Development—The department estimated that it spent \$857 million in 1998 in erroneous rent subsidy payments in FY 1998, about 5 percent of the entire program budget. (HUD OIG Report)

A General Accounting Office report suggests HUD's FY 1999 budget request for \$4.8 billion to renew and amend Section 8 tenant-based assisted housing contracts could have been reduced by \$489 million.

Interior—The Bureau of Land Management spent an estimated \$411 million on its Automated Land and Mineral Record System over a 15 year period, only to discover that the major software component, the Initial Operating Capability (IOC), failed to meet the bureau's business needs. The bureau decided not to deploy IOC and is now analyzing whether it can salvage any of the \$67 million it spent on system software. (GAO Report)

Justice—The U.S. Marshals Service was unable to locate 2,775 pieces of property worth nearly \$3.5 million, according to a 1997 inspector general audit. In addition, the agency's inventory contained nearly 5,070 items, valued at more than \$4 million, that were unused. (DOJ OIG Report)

Labor—From 1995 to 1997, the department spend \$1 billion on its Job Corps program, only to later discover that 76 percent of its graduates had been laid off, fired or quit their first jobs within 100 days of being hired. (DOL OIG Report)

Transportation—The Federal Aviation Administration spend \$4 billion on an air traffic modernization program that didn't work, and was shut down before completion. The GAO remains concerned about the agency's poor accounting, and lack of control over assets and costs as the agency proceeds with its new \$42 billion Air Traffic Modernization program.

Treasury—The IRS estimates it can collect only 11 percent of \$222 billion in delinquent taxes owed the Government.

Veterans Affairs—An estimated \$26.2 million a year in overpayments could be prevented if the Veterans Benefit Administration's policy (VBA) and procedures were revised and cases were properly processed, according to the department's inspector gen-

eral. In 1995, the VBA waived \$11.6 million in beneficiary debts owed to the VA, even though there was no evidence of records to support the actions. (GAO Report)

Federal Deposit Insurance Corporation—Currently, the States of California and Florida are holding as unclaimed property about \$3.3 million that belongs to the FDIC or its receiverships. Similar problems were identified in 23 of the 24 states audited, for which no value was determined. (OIG Report)

Officer of Personnel Management—In the last three years, the agency's inspector general issued 128 reports, questioning \$280.3 million in inappropriate charges to the Federal Employees Health Benefits Program. (OPM OIG Report)

Small Business Administration—The agency requested and received a FY 1997 appropriation that included \$50 million more than it needed for its \$7.8 billion loan guarantees for the general business loan program. (GAO Report)

Social Security Administration—During FY 1998, the department erroneously spent \$3.3 billion in Supplemental Security Income overpayments. (GAO Report)

These examples illustrate the fact that every department and agency in the Federal Government can find savings if they are willing to tighten their belt and undergo greater management scrutiny and better use of taxpayer's funds. That has been my goal since arriving in Washington. It is a goal that I believe that we all share. The President's concern about American families is best served by insisting that the departments and agencies under his command run their financial affairs in a responsible, business-like manner.

Sincerely,

STEPHEN HORN,
Chairman, Subcommittee on Government
Management, Information, and
Technology.

HONORING THE TOP TEN BUSINESS PROFESSIONAL WOMEN OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Robyn Black, Pilar De La Cruz, Jan Outlar-Edwards, Marvell French, Edna Garabedian, Valerie Rae Hannerman, Annette La Rue, Margaret Mims, Judy Sakaki, and Gloria Williams as the Top Ten Business Professional Women of the Year.

Robyn A. Black is a Legislative Advocate at Aaron Read & Associates. Robyn is a fourth generation family farmer and has spent much of her life working on behalf of California agriculture. She believes in helping others "find their voice" in order to advocate their beliefs and effect change. Her tenure as Chair of the State's Industrial Welfare Commission under Governor Wilson taught her "that you need to stand by your decisions when you believe you have done your best."

Pilar De La Cruz, RN, B.S.N. is Vice President, Ed Development/Human Resources at Community Medical Centers. Pilar is first, foremost, and proudly, a Registered Nurse, although she serves our community in many capacities. Pilar has been instrumental in founding the Jefferson Job Institute for Community Medical Centers, an entry-level job training program for low-income parents of school-age

children. Through this program parents gain self-confidence skills and pride which helps them obtain employment in the community. The program has grown to include two other schools and is one of the most successful programs in Fresno County for getting people back to work.

Jan Outlar-Edwards, M.S. is Media Director of Gottschalks. Jan says that "Real success is a collaborative effort." The success Jan has experienced in her profession is a direct result of collaboration with those who have traveled before and were kind enough to stop and take the time to teach her. She has spearheaded several programs such as "Coats for Kids" and volunteers with the Fresno High Mentoring Program. Networking is one of Jan's passions.

Marvell French is Senior Vice-President/Sales Administrator of Regency Bank. Marvell is president of the American Cancer Society, a member of the American Heart Association, Alcohol and Drug Abuse Council, and CARE Fresno, where she will oversee their annual fund-raiser, the Police and Firefighter of the Year Annual Ball. Marvell's goal and commitment to her business and community is to make a difference and bring about positive change.

Edna Garabedian is the Artistic Director at the Fresno International Grand Opera. Edna believes education is the core of human experience. Her most significant contribution has not been the furthering of her own career, but the educational enrichment of others. Her vision and more than four years of hard work have become reality in the creation of the Fresno International Grand Opera. Her work with F.I.G. has allowed Edna to work with at-risk youths in our community and inspire a sense of confidence and direction in their lives.

Valerie Rae Hanneman is Director of Fiscal Services of Central California Legal Services. Valerie believes in giving people a helping hand, taking a chance on them, and applauding their success. She has made it a practice in her career to hire people who need a helping hand and encourages similar hiring throughout her organization. Valerie's philosophy carries over into her volunteer capacity with CARE Fresno where she is a lead site director. She directs and coordinates the program, but more importantly, interacts with the children.

Annette La Rue is a Retired Judge. Throughout her career as an attorney and judge, Annette has encouraged women to "take the next step" in the law profession by starting their own practices and running for judgeships. Her years of service have resulted in many awards, including the Fresno County Bar Association Bernard E. Witkin Lifetime Achievement Award and the 1999 Outstanding Hastings Law School Alumnus of the Year. Annette is a founder of the Salvation Army Rosecrest home for women substance abusers, co-chairs the Rotary Club's environmental committee, and sits on the Fresno Philharmonic board.

Margaret Mims is Deputy Sheriff Lieutenant of Fresno County Sheriff's Department. Margaret was hired in 1980 as the first female officer for the Kerman Police Department; Margaret is now the first woman Deputy Sheriff to be promoted to the rank of lieutenant. She has worked hard throughout her career to improve victim advocacy, and has been instrumental in

integrating community-based organizations with law enforcement. Margaret worked to obtain a grant and initiated a program to place advocates in police agencies. Her idea of placing advocates in police agencies has been used as a model for rape counseling service agencies throughout California.

Judy K. Sakaki, Ph.D., is Vice President for Student Affairs and Dean of Students at California State University, Fresno. Judy is the highest-ranking Asian-American woman administrator in the California State University system. As Vice President for Student Affairs at CSU, Fresno, she has been able to help students from diverse backgrounds succeed by creating services and programs which meet their needs. She is most proud of the help she provides students, encouraging them to talk with each other irrespective of racial or ethnic differences, to share their feelings of anger, helplessness, and hope.

Gloria Williams is Vice President/Designated Nurse Executive at Valley Children's Hospital. Gloria has used her leadership abilities to effect innovative change in her profession and community. She was named as one of the Top Ten Nurses in the state by NurseWeek Magazine in 1994, and this year was appointed to their Executive Advisory Board. She is a member of the Board of Directors for the Alternative Sentencing Program and is involved in overseeing screening activities that place people in rehabilitation programs as an alternative to prison time. Gloria currently leads a nursing task force to implement accelerated nursing degree programs and designs curriculum for classes at Fresno City College and CSU/Fresno.

Mr. Speaker, I want to honor the Top Ten Business Professional Women of the Year for 1999. Each one of these women have gone above and beyond their professional jobs to provide services and create programs for the community. I urge my colleagues to join me in wishing the Top Ten Business professional Women many more years of continued success.

CENTRAL NEW JERSEY RECOGNIZES CHARLES WOWKANECH

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Charles Wowkanec, who has served the labor movement in a variety of capacities over the last 25 years. Since January of 1997, Mr. Wowkanec has led local union members as the president of the New Jersey State AFL-CIO.

Mr. Wowkanec began his career as a business representative for the International Union of Operating Engineers Local 68 in West Caldwell, NJ. There he was responsible for organizing and negotiating contracts covering employee health benefits plans statewide in industrial and commercial complexes. After joining the NJ state AFL-CIO in March of 1990, Mr. Wowkanec served for 6 years as assistant to the president, representing the organization on health insurance matters and in all related legislative activities.

Mr. Wowkanec also served on the New Jersey Health Care Cost Reduction Advisory

Committee and participated in the Health Care Reform Coalition, which helped develop far-reaching health care reforms adopted by the State Legislature in 1992. In May of 1995, the Executive Board (with the reaffirmation of its 600 delegates) named Mr. Wowkanec the Secretary-Treasurer of the NJ State AFL-CIO. And as the former Chairman of the New Jersey Individual Health Coverage Program Board (IHC), Mr. Wowkanec was responsible for getting the state to adopt the strictest consumer protection standards in the nation.

In the spring of 1997, the Essex County Boy Scouts Council named Mr. Wowkanec "Good Scout of the Year." He continues to serve as labor's representative to the IHC Board and is also a member of the Governor's Council for a Drug-Free Workplace. Currently, he is a member of the executive boards of the Botto House National Labor Museum, the Rutgers Labor Center, and the Tri-State United Way's Board of Governors. Mr. Wowkanec resides with his wife, Lu Ann, and his sons Charles and Michael in Ocean City, New Jersey.

I ask all of my colleagues to join me in recognizing Mr. Wowkanec's community service. I extend to him my appreciation and wish him the best of luck in his future endeavors.

TRIBUTE TO SHIPMAN ELEVATOR COMPANY

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise today to commend Shipman Elevator Company's chemical plant in Shipman, IL, for winning a 1999 Environmental Respect Award from Dealer Progress Magazine.

Shipman Elevator Company has taken proactive steps to ensure that their operations are safe and environmentally sound. For example, they use a combination of a computerized mixing program and the facility manager to ensure the processing and measuring of their products is always accurate. They also routinely conduct training and education classes for all of their employees to ensure the completion of environmental and efficiency goals.

I would like to express my gratitude to Shipman Elevator Company for producing agriculture products that are environmentally respected.

TRIBUTE TO EULA D. NELSON FLEET

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Eula D. Nelson Fleet, an outstanding individual who has dedicated her life to public service and education and to wish her a happy retirement.

Born in Apalachicola, Florida, Mrs. Fleet moved to New York City in 1943. In 1956, with her husband and four children, she moved to Patterson Houses in the Bronx, where they have lived ever since.

Mr. Speaker, in 1957, when her first child started school at P.S. 18, Eula Fleet started

her long involvement with our educational system and was elected treasurer of the school's PTA. From 1970 to 1973 she served as Vice President, then President of the PTA at J.H.S. 149; from 1973 to 1979 she was an Educational Assistant at the Development Learning Program at P.S. 5; from 1979 to 1980 she was an Educational Assistant at the Development Learning Program at P.S. 156; from 1980 to 1981 she was an Educational Assistant in Early Childhood at P.S. 30; in 1982 she was an Educational Assistant at P.S. 124; and in 1983 she was named Assistant to the Director at the Milbrook Senior Citizen Center.

Mrs. Fleet has also been very involved with the community. From January 1970 until July 1999 when she retired, she served at Community Board #1 in several capacities: Chair of the Education Committee, Treasurer, Health Committee, and Chair of the Housing Committee. She also served in Upward Bound Program at Fordham University, as Assistant Treasurer of the Mott Haven Center Community Advisory Board, and on the Joint Advisory Board of Eastside Settlement House.

Mrs. Fleet was married to the famous jazz guitar player William A. Fleet, Sr., who passed away in April 1994. She has four children, William, Evelyn, James, and Francis, and four grandchildren, James, Jr., Jawann, Jayanna, and Michelle.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Eula D. Nelson Fleet for her achievements in education and her enduring commitment to the community, and in wishing her a happy retirement.

A SPECIAL TRIBUTE TO JAKE N. VAN METER, JR., FOR HIS HONORABLE SERVICE TO THE UNITED STATES OF AMERICA

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise to pay special tribute to a true American patriot from Ohio's Fifth Congressional District, Jake H. Van Meter, Jr.

On October 7, 1967, Jake H. Van Meter, Jr. paid the ultimate sacrifice while protecting the values and ideals of democracy. On that fateful day, some thirty-two years ago, Sergeant Jake H. Van Meter, Jr. was serving as squad leader with Company C, 1st Battalion, 5th Cavalry. His Army unit was sent to the Con Thien area in the Republic of Vietnam to help relieve an outpost of United States Marines. During their mission, his unit came under heavy and intense enemy fire during an attack on the Marine outpost.

During the firefight, Sergeant Van Meter demonstrated extreme bravery as he exposed himself to fierce enemy fire to draw attention away from his troops and enable them to take cover. With several of his men lying wounded, Sergeant Van Meter left his position and began removing them from the field of fire. In his efforts to save the lives of his men, Sergeant Van Meter was wounded, but he continued until they were pulled to safety.

At approximately two o'clock in the afternoon, while laying down a heavy amount of covering fire in the midst of the firefight, Sergeant Jake H. Van Meter, Jr. was killed by

enemy gunfire. He was just twenty-four years old. For his gallantry in action and in keeping with the highest traditions of military service and the United States Army, Sergeant Jake H. Van Meter, Jr. was posthumously awarded the Silver Star on March 15, 1968.

Jake Van Meter was an ordinary young man from LaGrange, Ohio when he entered the United States Army. He lived on Factory Street and worked as a die cast operator for General Motors Corporation. However, when Jake was drafted, he accepted his responsibility, and began his duty in Vietnam on October 22, 1966. Unfortunately, his tour of duty was to have ended just 12 days after his death.

Mr. Speaker, the story of Jake H. Van Meter, Jr. should make our hearts swell with admiration and pride. He courageously placed his life on the line for his men and his country. He fought for America, for democracy, and for freedom, and paid the supreme price for the preservation of those principles.

Mr. Speaker, as we celebrate Veterans Day, let us remember the men and women who have served in our armed forces. It is often said that America prospers due to the unselfish acts of her sons and daughters. Jake Van Meter's brave actions in Vietnam demonstrate that statement very clearly. I would urge my colleagues to stand and join me in paying special tribute to Jake H. Van Meter, Jr.—a faithful husband and father, a loving son, and a true American hero.

THE RETIREMENT OF PATRICIA LAGREGA AS TOWN CLERK OF COLCHESTER, CONNECTICUT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commend Pat LaGrega for nearly thirty years of service to the community of Colchester, Connecticut. Pat is more than an extraordinary public servant, she is a humanitarian and a personal friend.

On November 15, 1999, Pat LaGrega will officially retire as Town Clerk of Colchester after more than twenty one years in the position. In small towns across America, Town Clerks maintain all of the records so vital to guaranteeing that our system functions efficiently and effectively. In many respects, the Town Clerk is the institutional memory of so many small communities across eastern Connecticut and the nation. Over more than two decades, Pat has worked tirelessly to ensure that the citizens, elected officials and business owners of Colchester receive the best possible service. She has supervised a modernization process which has computerized the Town Clerk's office to ensure that records will be accurate, safe and available to citizens and others in a timely fashion. Even before the widespread use of computers, Pat was well known for meticulous recordkeeping and attention to detail. Thanks to her efforts, the Town Clerk's office is prepared to meet the challenges of a growing community in the 21st Century. Pat's public career in Colchester began several years prior to being elected Town Clerk. She served as Director of Social Services and a Tax Collector. In fact, she served simulta-

neously as Tax Collector and Town Clerk for a short period.

Pat is so much more than the Town's record keeper. She is its "jack-of-all-trades!" She is the person people call when they have any question, any problem. She is the person they contact when they don't know where to turn. And each and every time over the past three decades, Pat has come through for those individuals and the Town as a whole. Whenever she learned about a problem, she took steps to address it. It never mattered how busy she was with her duties or personal life, she always made time to address the needs of every resident. In this respect, she is a model for all of us in public service. Mr. Speaker, Pat LaGrega is a public servant in the very best tradition of our country. She has worked tirelessly on behalf of the citizens of Colchester and provided the highest quality service. She has also brought a sense of compassion to her work. And, on a more personal level, she has been a friend, a mentor and a trusted advisor for more than twenty years.

I am proud to be able to join the residents of Colchester in thanking Pat for her service and commitment to the community. On November 15, she will retire from a public position—not from public service. I know she will continue to play an important role in Colchester in the years ahead.

CONGRATULATING BUSH BOAKE ALLEN INC.

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Bush Boake Allen Inc. of Montvale, New Jersey, on receiving the Voluntary Protection Program Star Award from the U.S. Occupational Safety and Health Administration for its Norwood flavors and fragrances facility. This prestigious award is presented for safety and health training, hazard prevention and control and related programs that help maintain a safe workplace. This award is evidence that BBA values its hard-working employees and goes to extra lengths to protect their health and safety on the job.

BBA is one of only 20 companies in New Jersey honored with the VPP Star Award and the only company in the flavors and fragrance industry to receive the award.

Businesses that receive the VPP Star Award have the best OSHA compliance records in the nation and often exceed OSHA standards. In addition to management agreeing to meet health and safety goals, workers participate and work with management to create a safe and healthy workplace. Admission to the VPP program requires an extensive review and inspection by OSHA to verify that the business meets OSHA standards.

The VPP Star Award is considered such a high standard of OSHA compliance that recipients receive a three-year exemption from routine OSHA inspections. VPP participants typically experience lower workers' compensation costs and 60–80 percent fewer workdays lost to workplace injuries than would expected at an average business location in the same industry.

At BBA, the company set a corporate goal in 1996 that all four of its U.S. facilities would

receive the VPP Star Award, and the Norwood facility is the first to achieve that goal. The company implemented a series of health and safety audits, meetings with both management and workers and training for all employees. Safety standards were set for every individual from the plant manager down to factory workers. Employee groups were formed to address specific health and safety issues, operating procedures were reviewed and protective safety equipment was added to equipment as needed.

As an example of a safety improvement, it was found that production and warehouse workers were suffering repeated injuries during manual handling of 55-pound containers used extensively throughout the building. BBA eliminated the large containers seven years ago and has not had a single material handling injury since.

The improvements have given the 35-employee plant a three-year average injury incidence rate of 1.7, compared with an industry average of 5.4, and seven years without a lost-time injury.

With 250 employees in New Jersey, BBA is a major employer and one of the leading fragrance/flavor companies in our state. BBA traces its origins to 1870 and three English makers of flavors and fragrances—W.J. Bush Ltd., A Boake Roberts Ltd., and Stafford Allen Ltd. The three companies were eventually combined as Bush Boake Allen by the Albright & Wilson division of Tenneco, and were then acquired by Union Camp Corp. in 1982. BBA operated as a division of Union Camp until it was taken public in 1994, with its own listings on the New York Stock Exchange.

Today, BBA is a major international flavor, fragrance and aroma chemical company as well as a producer of chemicals and chemical intermediaries for industrial and agricultural applications. Headquartered in Montvale, the company conducts business in 60 locations in 38 countries on six continents worldwide. Annual sales total approximately \$500 million.

Flavors produced by BBA are used in beverages, dairy products, baked goods, confectionery items and processed foods. Fragrance compounds are used in perfumes and colognes, soaps, detergents and cleansers, air fresheners, cosmetics and a variety of personal care products. The company's aroma chemicals are used as raw materials for a variety of compounded flavors and fragrances.

I would like to ask my colleagues in the House of Representatives to join me in congratulating BBA on this award and all that this commitment to health and safety it represents.

PATIENTS' FORMULARY RIGHTS ACT OF 1999

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GUTIERREZ. Mr. Speaker, I am pleased to announce that today I introduced the "Patients' Formulary Rights Act of 1999", legislation aimed at protecting the health of millions of Americans.

This bill, if enacted, would ensure that prescription medications are dispensed for one reason and one reason only: for the sake of maintaining a patient's health—not for the sake of adding to a company's profits.

"The Patients' Formulary Rights Act of 1999" would help ensure that people enrolled in a variety of health insurance plans have access not merely to the drugs that they need, but also to something just as valuable to them and to the medical professionals who serve them: *information*.

The field of medicine has changed dramatically in recent years, as managed care has become the dominant vehicle for the delivery of health care. While these changes have led to some positive developments, it also has led to many alarming problems.

In far too many cases, "managed" care has meant that it is the *information* available to millions of Americans, and to their doctors and pharmacists, that is being "managed."

The practice known as "drug switching" is a dangerous example of patients being kept in the dark about the choices being made by others that will determine their health.

Sadly, when a patient finally becomes aware that the drug originally prescribed by a physician has been changed, it is often only due to the unfortunate consequences stemming from that switch. In far too many cases, the fact that one drug has been replaced by another is only detected after such an incident of "therapeutic substitution" manifests itself in the form of a serious health problem: an unforeseen reaction, a debilitating side-effect or even a life-threatening complication.

In other cases, of course, a change in drugs will result in no change at all in a patient's condition. And that is just as unfortunate, as a patient may grow weaker and sicker after taking a drug that is of no help in combating the illness from which he or she suffers.

To add insult to injury is the fact that such changes are often the result of pressure applied by accountants and CEOs, which too often trump the prescriptions supplied by doctors and the protocols preferred by pharmacists.

I believe that my legislation offers a practical, yet substantive, solution to this growing problem.

My bill would require officials of health plans to take new, yet reasonable, steps if they insist on maintaining a list of formularies.

Most notably, a health plan will be required to notify all participants, beneficiaries, enrollees and health care professionals that such a formulary is used.

A complete list of all prescription drugs included in the formulary will be provided in full.

Such notifications will be required at the time of a patient's enrollment, and a full and accurate notification of any changes in the formulary will also be necessary. Such an alert will be issued at the time that any such changes occur, and will be repeated in an annual update to enrollees.

In addition, health plans will provide enrollees with a reasonable and understandable explanation of the practice known as "drug switching" or "therapeutic substitution."

As a member of Congress, I am accustomed to hearing Pentagon officials invoke the need for secrecy for the sake of protecting national security. From time to time, I can accept that. However, I cannot accept a similar argument from officials of the health care industry. To protect the health of their beneficiaries—that is, to protecting their security—such a veil of secrecy must be lifted.

Finally, my bill would also instruct current enrollees on steps they can take to ensure

that they will continue to have access to the drugs as prescribed by their doctor regardless of changes in their health plan's formulary policies or lists. This would establish the continuity of care and doctors, pharmacists and other health care professionals agree is so crucial to the well-being of their patients and customers.

I am very gratified that this bill has already received the support of Citizens for the Right to Know, one of the nation's largest non-profit organizations representing patients and health care providers and health care trade associations. Their endorsement of and advocacy for this legislation will, I am confident, encourage other members of the House to join in me in fighting for such changes. I greatly appreciate their work on this important issue.

TRIBUTE TO BETHLEHEM A.M.E. ZION CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure that I congratulate Bethlehem A.M.E. Zion Church in Gary, IN, as it celebrates its 84th anniversary as a parish. The church will begin its three spirit-filled days of celebration with a banquet on Friday, November 19, 1999, and culminating with a service at 3:30 p.m. on Sunday, November 21, 1999. I would also like to take this opportunity to congratulate Reverend O.C. Comer, minister, on this glorious occasion.

On November 19, Bethlehem A.M.E. Zion Church opens its 84th anniversary celebration with a dinner at 6 p.m. in the Banquet Hall of Unity A.M.E. Zion Church in Merrillville, Indiana. Dr. Sandra Gadson will be the guest speaker at this gala occasion. Dr. Gadson is the second vice president of Woman's Home and Overseas Missionary Society of the A.M.E. Zion Church. On November 20 the celebration continues with the church's second annual "Back to Church Parade." A motorcade will leave the church at 10 a.m. on a "ride to help bring people back to the church." The three-day celebration will conclude on November 21 with two special services of praise and worship. Reverend Comer will deliver the message at the 11 a.m. service followed by the 3:30 p.m. service with special guest and speaker, The Right Reverend Enoch B. Rochester, Presiding Bishop of the Midwest Episcopal District of the A.M.E. Zion Church.

A church of humble beginnings, Bethlehem African Methodist Episcopal Zion Church is the oldest A.M.E. Zion Church in the city of Gary. In November 1915, 15 people assembled in a storefront in the 1600 block of Washington Street in Gary, IN. The parishioners decided that Bethlehem A.M.E. Zion Church needed a permanent home, thus a frame building located on two lots at West 19th Avenue and Jackson Street were purchased. Later the frame structure was moved to the rear of the lots and used as a parsonage. A brick structure was eventually built on the lots at 560 West 19th Avenue, where the current church stands today. The congregation labored and toiled in the basement structure for over 40 years, but in 1962, under the direction of Reverend Arthur W. Murphy and the parishioners at Bethlehem A.M.E. Zion Church, the

upper edifice of the church was constructed and stands today as a monument of faith and spiritual enrichment to both the church membership and the Gary community.

Over the years, the church has experienced some changes and was led by a variety of pastors. In spite of its many changes, the loyal parishioners continued to grow and prosper. On June 24, 1994, the Reverend O.C. Comer was appointed pastor of Bethlehem A.M.E. Zion Church. Under Reverend Comer's guidance, the church has started two new ministries including the Bus Ministry and the Street Ministry.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating the parish family of Bethlehem African Methodist Episcopal Zion Church, under the guidance of Reverend O.C. Comer, as they prepare to celebrate their 84th anniversary. All past and present parishioners and pastors should be proud of the numerous contributions they have made with love and devotion for their church throughout the past 84 years.

TRIBUTE TO THE LITTLE ROCK
NINE AND MRS. DAISY BATES

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, as we honor today the Little Rock Nine with the Congressional Medal of Honor, I would also like to pay tribute to Daisy Bates, who passed from this Earth last week. Ms. Bates was a mentor to the Little Rock Nine during the Central High School desegregation crisis in 1957. She was a true leader of our time.

Daisy Bates was a participant in a movement that changed history forever. Those young people and Daisy Bates became symbols to all of us of what it means to be courageous, honorable and exceptionally brave. Daisy Bates was a great mentor who had the courage to stand up for what she believed in. Mrs. Bates was a courageous woman under all circumstances and she will be greatly missed.

PERSONAL EXPLANATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. TIAHRT. Mr. Speaker, on November 8, I was unavoidably detained and missed rollcall vote Nos. 574, 575, and 576. Had I been present, I would have voted "yes" on H. Res. 94, Recognizing the Generous Contributions Made by Each Living Person; "yes" on H.R. 2904, to Amend the Ethics in Government Act of 1978 to Reauthorize Funding for the Office of Government Ethics, and "yes" on H. Res. 344, Recognizing and Honoring Payne Stewart and Expressing the Condolences of the House of Representatives to His Family on His Death.

HONORING AMERICA'S ARMED
SERVICES DURING THE HOLIDAYS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. ANDREWS. Mr. Speaker, I submit for the RECORD a spectacular rendition of the timeless holiday tale, "Twas the Night Before Christmas." This holiday season I encourage all of us to remember the men and women of our country's armed services who work twenty-four-hours a day, seven days a week to guarantee our safety and the safety of our beloved children. May they know how much we appreciate their sacrifices for freedom.

'Twas THE NIGHT BEFORE CHRISTMAS
(By an American Marine stationed in
Okinawa, Japan)

'Twas the night before Christmas,
he lived all alone,
in a one bedroom house made of
plaster and stone.

I had come down the chimney
with presents to give,
and to see just who
in this home did live.

I looked all about,
a strange sight I did see,
no tinsel, no presents,
not even a tree.

No stocking by mantel,
just boots filled with sand,
on the wall hung pictures
of far distant lands.

With medals and badges,
awards of all kinds,
a sober thought
came through my mind.

For this house was different,
it was dark and dreary,
I found the home of a soldier,
one I could see clearly.

The soldier lay sleeping,
slent, alone,
curled up on the floor
in this one bedroom home.

The face was so gentle,
the room in such disorder,
now how I pictured
a United States soldier.

Was this the hero
of whom I'd just read?
Curled up on a poncho,
the floor for a bed?

I realized the families
that I saw this night,
owed their lives to these soldiers
who were willing to fight.

Soon round the world,
the children would play,
and grown-ups would celebrate
a bright Christmas day.

They all enjoyed freedom
each month of the year,
because of the soldiers,
like the one lying here.

I couldn't help wonder
how many lay alone,
on a cold Christmas eve
in a land far from home.

The very thought
brought a tear to my eye,
I dropped to my knees
and started to cry.

The soldier awakened
and I heard a rough voice,
"Santa don't cry,
this life is my choice;

I fight for freedom,
I don't ask for more,
my life is my god,
my country, my Corps."

The soldier rolled over
and drifted to sleep,
I couldn't control it,
I continued to weep.

I kept watch for hours,
so silent and still
and we both shivered
from the cold night's chill.

I didn't want to leave
on that cold, dark, night,
this guardian of honor
so willing to fight.

Then the soldier rolled over,
with a voice soft and pure,
whispered, "carry on Santa,"
it's Christmas Day, all is secure."

One look at my watch,
and I knew he was right
"Merry Christmas my friend,
and to all a good night."

IN HONOR OF THE UKRAINIAN
BANDURIST CHORUS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to congratulate the Ukrainian Bandurist Chorus on their 50th Anniversary in America. The Ukrainian Bandurist Chorus is an all-male musical ensemble consisting of 20 instrumentalists and vocalists. The chorus was originally founded in Kyiv, Ukraine in 1918. The ensemble relocated in Detroit, Michigan in 1949. This internationally recognized ensemble has performed at such well-known theaters as Carnegie Hall, the Kennedy Center, Bolshoi Theater, and Massey Hall. In addition, the Ukrainian Bandurist Chorus has entertained many world figures and personalities with their exciting programs of folk songs, religious works and the exotic sounds of the bandura.

Three generations of members have passed through the ranks of the Ukrainian Bandurist Chorus since its displacement from Ukraine in 1942. In addition to its mission of carrying the tradition of the bandura to the 21st century, the Chorus is also charged with preserving its past for future generations. The history of the Ukraine Bandurist Chorus can be traced directly to the 12th Archeological Congress in Kharkiv, Ukraine in 1902. The first professional bandurist chorus was formed in Kyiv in 1918 during the height of the country's brief period of independence. During a time of increased popularity and resurgence of the Ukrainian arts and culture, the group developed into a professional touring group. Following this time of heightened regard, the Chorus' history evolved into a turbulent one. The bandurist ideal of God, truth, freedom, and human dignity herald through song were under attack by the newly formed Soviet Union. As a result many of the original members of the Ukrainian bandurist Chorus were executed. After years of persecution and exploitation the Chorus was forced to immigrate to Detroit. During a time of devastation and uncertainty, Hryhory Kytasty, the long standing director acted as a role model and inspiration to the young bandurists. Kytasty worked hard

to further the art of the bandura in the free world.

Today, the majority of the Chorus members are 2nd and 3rd generation Americans and Canadians. Fortified by a whole new generation of young musicians, the Chorus has captivated audiences in major concert halls in the United States, Canada, Europe and Australia for more than 50 years. The current director of the Ukrainian Bandurist Chorus is Oleh Mahlay, a recognized prized musician and a member of the chorus since 1987. Mahlay, who hails from Cleveland, Ohio, received a bachelor of arts in music history and literature from Case Western University. He also studied voice and piano at the Cleveland Institute of Music. Mahlay has received numerous accolades for his musical abilities and contributions such as the Kennedy Prize for Creative Achievement in Music from Carnegie Mellon University. He has participated in the Chorus' two triumphant tours of Ukraine in 1991 and 1994, and had his premier as a conductor of the group in 1994.

It is truly an honor for me to recognize this exceptional group. The music of the Ukrainian Bandurist Chorus is as captivating as it is moving and visibly heartfelt. The songs of the group are full of emotion and stand testimony to the ideals of the bandurist. My distinguished colleagues, please join me in honoring the very special anniversary of the magnificent Ukrainian Bandurist Chorus.

INTRODUCTION OF THE SMALL BUSINESS FRANCHISE ACT OF 1999

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. CONYERS. Mr. Speaker, today I am proud to reintroduce, with my good friend from North Carolina, Mr. COBLE, the Small Business Franchise Act. This legislation represents hard work, and a good faith effort to strike an appropriate, bipartisan balance between the rights of franchisors and franchisees. These issues have been the subject of a hearing in this Judiciary Committee earlier this year, and the issues merit action by this Congress.

Protecting the rights of franchisees is ultimately about protecting the rights of small business. They often face enormous odds and a daunting inequality of bargaining power when dealing with national franchisors. Unfortunately, the law often offers little recourse in the face of great harm.

There is currently no federal law establishing standards of conduct for parties to a franchise contract. The Federal Trade Commission rule promulgated in 1979, (16 CFR § 436), was designed to deter fraud and misrepresentation in the re-sales process and provide disclosure requirements and prohibitions concerning franchise agreements. The FTC maintains, however, that it has no jurisdiction after the franchise agreement is signed.

As a result, in the absence of any Federal regulation, a number of complaints have been lodged in recent years, principally stemming from the fact that franchisees do not have equal bargaining power with large franchisors. The concerns include the following:

(1) Taking of Property without Compensation. Franchise agreements generally include a

covenant not-to-compete that prohibits the franchisee from becoming an independent business owner in a similar business upon expiration of the contract. This can appropriate to the franchisor all of the equity built up by the franchisee without compensation.

(2) Devaluation of Assets. Franchisors often induce a franchisee to invest in creating a business and then establish a competing outlet in such proximity to the franchisee that the franchisee suffers economic harm.

(3) Restraint of Trade. Most franchise relationships mandate that franchisees purchase supplies, furniture, etc. from the franchisor or sources approved by the franchisor. While it may be appropriate for franchisors to exercise some control concerning the products or services offered to franchisees, tying franchisees to certain vendors can cost franchisees millions of dollars, prevents competition among vendors, and can have an adverse impact upon consumers.

(4) Inflated Pricing. Many franchise agreements specify that the franchisor has the right to enter into contractual arrangements with vendors who sell goods and services to franchisees that are mandated by the franchise agreement. It has been alleged that these vendors often provide kickbacks and commissions to the franchisor in return for being allowed to sell their products and services to a captive market. Instead of passing these kickbacks and commissions on to the franchisee to reduce their cost of goods sold and increase their margin, these payments, it is asserted, benefit the franchisor.

While our nation has enjoyed an unprecedented economic boom, it is essential that Congress ensure that prosperity reaches down to the small businesses that make up the heart and soul of our economy. We have an obligation to ensure that the law governing this segment of the economy, which every American patronizes routinely is fair and balanced. I urge my colleagues to join with me and the gentleman from North Carolina in supporting this overdue and needed reform.

The following is a section-by-section description of the legislation:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

Sets forth the short title of the Act and the table of contents.

SECTION 2. FINDINGS AND PURPOSE.

Subsection (a) specifies a series of Congressional findings. Subsection (b) states that the purpose of the Act is to promote fair and equitable franchise agreements, to establish uniform standards of conduct in franchise relationships, and to create uniform private Federal remedies for violations of Federal law.

SECTION 3. FRANCHISE SALES PRACTICES.

Subsection (a) prohibits any person, in connection with the advertising, offering, or sale of any franchise, from (1) employing a device, scheme, or artifice to defraud; (2) engaging in an act, practice, course of business, or pattern of conduct which operates or is intended to operate as a fraud upon any prospective franchisee; and (3) obtaining property, or assisting others in doing so, by making an untrue statement of a material fact or failing to state a material fact.

Subsection (b) prohibits franchisors, subfranchisors, and franchise brokers, in connection with any disclosure document, notice, or report required by any law, from (i) making an untrue statement of material fact, (ii) failing to state a material fact, or (iii) failing to state any fact which would

render any required statement or disclosure either untrue or misleading. The subsection also prohibits franchisors, subfranchisors, and franchise brokers from failing to furnish any prospective franchisee with all information required to be disclosed by law and at the time and in the manner required and from making any claim or representation to a prospective franchisee, whether orally or in writing, which is inconsistent with or contradicts such disclosure document.

"Disclosure document" is defined as the disclosure statement required by the Federal Trade Commission in Trade Regulation Rule 436 (16 CFR 436) or an offering circular prepared in accordance with Uniform Franchise Offering Circular guidelines as adopted and amended by the North American Securities Administrators Association, Inc. or its successor.

SECTION 4. UNFAIR FRANCHISE PRACTICES.

Subsection (a) prohibits any franchisor or subfranchisor, in connection with the performance, enforcement, renewal and termination of any franchise agreement, from (1) engaging in an act, practice, course of business, or pattern of conduct which operates as a fraud upon any person; (2) hindering, prohibiting, or penalizing, either directly or indirectly, the free association of franchisees for any lawful purpose, including the formation of or participation in any trade association made up of franchisees or of associations of franchises; and (3) discriminating against a franchisee by imposing requirements not imposed on other similarly situated franchisees or otherwise retaliating, directly or indirectly, against any franchisee for membership or participation in a franchisee association.

Subsection (b) prohibits a franchisor from terminating a franchise agreement prior to its expiration without good cause.

Subsection (c) prohibits a franchisor from prohibiting, or enforcing a prohibition against, any franchisee from engaging in any business at any location after expiration of a franchise agreement. This subsection does not prohibit enforcement of a franchise contract obligating a franchisee after expiration or termination of a franchise to (i) cease or refrain from using a trademark, trade secret or other intellectual property owned by the franchisor or its affiliate, (ii) alter the appearance of the business premises so that it is not substantially similar to the standard design, decor criteria, or motif in use by other franchisees using the same name or trademarks within the proximate trade or market area of the business, or (iii) modify the manner or mode of business operations so as to avoid any substantial confusion with the manner or mode of operations which are unique to the franchisor and commonly in practice by other franchisees using the same name or trademarks within the proximate trade or market area of the business.

SECTION 5. STANDARDS OF CONDUCT.

Subsection (a) imposes a duty to act in good faith in the performance and enforcement of a franchise contract on each party to the contract.

Subsection (b) imposes a nonwaivable duty of due care on the franchisor. Unless the franchisor represents that it has greater skill or knowledge in its undertaking with its franchisees, or conspicuously disclaims that it has skill or knowledge, the franchisor is required to exercise the skill and knowledge normally possessed by franchisors in good standing in the same or similar types of business.

Subsection (c) imposes a fiduciary duty on the franchisor when the franchisor undertake to perform bookkeeping, collection, payroll, or accounting services on behalf of the franchisee, or when the franchisor requires franchisees to make contributions to

any pooled advertising, marketing, or promotional fund which is administered, controlled, or supervised by the franchisor. A franchisor that administers or supervises the administration of a pooled advertising or promotional fund must (i) keep all pooled funds in a segregated account that is not subject to the claims of creditors of the franchisor, (ii) provide an independent certified audit of such pooled funds within sixty days following the close of the franchisor's fiscal year, and (iii) disclose the source and amount of, and deliver to the fund or program, any discount, rebate, compensation, or payment of any kind from any person or entity with whom such fund or program transacts.

SECTION 6. PROCEDURAL FAIRNESS

Subsection (a) prohibits a franchisor from requiring any term or condition in a franchise agreement, or in any agreement ancillary or collateral to a franchise, which violates the Act. It also prohibits a franchisor from requiring that a franchisee relieve any person from a duty imposed by the Act, except as part of a settlement of a bona fide dispute, or assent to any provision which would protect any person against any liability to which he would otherwise be subject under the Act by reason of willful misfeasance, bad faith, or gross negligence in the performance of duties, or by reason of reckless disregard of obligations and duties under the franchise agreement. Nor may a franchisor require that a franchisee agree to not make any oral or written statement relating to the franchise business, the operation of the franchise system, or the franchisee's experience with the franchise business.

Subsection (b) makes void and unenforceable any provision of a franchise agreement, or of any agreement ancillary or collateral to a franchise, which would purport to waive or restrict any right granted under the Act.

Subsection (c) forbids any stipulation or provision of a franchise agreement or of an agreement ancillary or collateral to a franchise from (i) depriving a franchisee of the application and benefits of the Act or any Federal law or any law of the State in which the franchisee's principal place of business is located, (ii) depriving a franchisee of the right to commence an action or arbitration against the franchisor for violation of the Act, or for breach of the franchise agreement or of any agreement or stipulation ancillary or collateral to the franchise, in a court or arbitration forum in the State of the franchisee's principal place of business, or (iii) excluding collective action by franchisees to settle like disputes arising from violation of the Act by civil action or arbitration.

Subsection (d) states that compliance with the Act or with an applicable State franchise law is not waived, excused or avoided, and evidence of violation of the Act or State law shall not be excluded, by virtue of an integration clause, any provision of a franchise agreement or an agreement ancillary or collateral to a franchise, the parol evidence rule, or any other rule of evidence purporting to exclude consideration of matters outside the franchise agreement.

SECTION 7. ACTIONS BY STATE ATTORNEYS GENERAL

Subsection (a) permits a State attorney general to bring an action under the Act in an appropriate United States district court using the powers conferred on the attorney general by the laws of his State.

Subsection (b) states that this section does not prohibit a State attorney general from exercising the powers conferred on him by the laws of his State to conduct investigations or to administer oaths or affirmations

or to compel the attendance of witnesses or the production of documentary and other evidence.

Subsection (c) states that any civil action brought under subsection (a) in a United States district court may be brought in the district in which the defendant is found, is an inhabitant, or transacts business, or wherever venue is proper under 28 U.S.C. 1391 which establishes general venue rules. Process may be served in any district in which the defendant is an inhabitant or in which he may be found.

Subsection (d) states that nothing in this section shall prohibit an authorized State official from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

SECTION 8. TRANSFER OF A FRANCHISE

Subsection (a) permits a franchisee to assign an interest in a franchised business and franchise to a transferee if the transferee satisfies the reasonable qualifications generally applied in determining whether or not a current franchisee is eligible for renewal. If the franchisor does not renew a significant number of its franchisees, then the transferee may be required to satisfy the reasonable conditions generally applied to new franchisees. The qualifications must be based upon legitimate business reasons. If the qualifications are not met, the franchisor may refuse to permit the transfer, provided that the refusal is not arbitrary or capricious and the franchisor states the grounds for its refusal in writing to the franchisee.

Subsection (b) requires that a franchisee give the franchisor at least thirty days' written notice of a proposed transfer, and that a franchisee, upon request, will provide in writing to the franchisor a list of the ownership interests of all persons holding or claiming an equitable or beneficial interest in the franchise subsequent to the transfer.

Subsection (c) states that a franchisor is deemed to have consented to a transfer thirty days after the request for consent is submitted, unless the franchisor withholds consent in writing during that time period specifying the reasons for doing so. Any such notice is privileged against a claim of defamation.

Subsection (d) establishes that a franchisor may require the following four conditions before consenting to a transfer: (1) the transferee successfully complete a reasonable training program, (2) payment of a reasonable transfer fee, (3) the franchisee pay or make reasonable provisions to pay any amount due the franchisor or the franchisor's affiliate, (4) the financial terms of the transfer at the time of the transfer comply with the franchisor's current financial requirements for franchisees. A franchisor may not condition its consent to a transfer on (1) a franchisee forgoing existing rights other than those contained in the franchise agreement, (2) entering into a release of claims broader in scope than a counterpart release of claims offered by the franchisor to the franchisee, or (3) requiring the franchisee or transferee to make, or agree to make, capital improvements, reinvestments, or purchases in an amount greater than the franchisor could have reasonably required under the terms of the franchisee's existing franchise agreement.

Subsection (e) permits a franchisee to assign his interest for the unexpired term of the franchise agreement and prohibits the franchisor from requiring the franchisee or transferee to enter an agreement which has different material terms or financial requirements as a condition of the transfer.

Subsection (f) prohibits a franchisor from withholding its consent without good cause

to a franchisee making a public offering of its securities if the franchisee or owner of the franchisee's interest retains control over more than 25 percent of the voting power as the franchisee.

Subsection (g) prohibits a franchisor from withholding its consent to a pooling of interests, to a sale or exchange of assets or securities, or to any other business consolidation among its existing franchisees, provided the constituents are each in material compliance with their respective obligations to the franchisor.

Subsection (h) establishes six occurrences which shall not be considered transfers requiring the consent of the franchisor under a franchise agreement and for which the franchisor shall not impose any fees or payments or changes in excess of the franchisor's cost to review the matter.

Subsection (i) prohibits a franchisor from enforcing against the transferor any covenant of the franchise purporting to prohibit the transferor from engaging in any lawful occupation or enterprise after the transfer of a transferor's complete interest in a franchise. This subsection does not limit the franchisor from enforcing a contractual covenant against the transferor not to exploit the franchisor's trade secrets or intellectual property rights except by agreement with the franchisor.

SECTION 9. TRANSFER OF FRANCHISE BY FRANCHISOR

Subsection (1) prohibits a franchisor from transferring interest in a franchise by sale or in any other manner unless he gives notice thirty days prior to the effective date of the transfer to every franchisee of his intent to transfer the interest.

Subsection (2) requires that the notice given contains a complete description of the business and financial terms of the proposed transfer or transfers.

Subsection (3) requires that the entity assuming the franchisor's obligations have the business experience and financial means necessary to perform the franchisor's obligations.

SECTION 10. INDEPENDENT SOURCING OF GOODS AND SERVICES

Subsection (a) prohibits a franchisor from prohibiting or restricting a franchisee from obtaining equipment, fixtures, supplies, goods or services used in the establishment or operation of the franchised business from sources of the franchisee's choosing, except that such goods or services may be required to meet established uniform system-wide quality standards promulgated or enforced by the franchisor.

Subsection (b) requires that if the franchisor approves vendors of equipment, fixtures, supplies, goods, or services used in the establishment or operation of the franchised business, the franchisor will provide and continuously update an inclusive list of approved vendors and will promptly evaluate and respond to reasonable requests by franchisees for approval of competitive sources of supply. The franchisor shall approve not fewer than two vendors for each piece of equipment, each fixture, each supply, good, or service unless otherwise agreed to by both the franchisor and a majority of the franchisees.

Subsection (c) requires a franchisor and its affiliates officers and/or its managing agents, must fully disclose whether or not it receives any rebates, commissions, payments, or other benefits from vendors as a result of the purchase of goods or services by franchisees and requires a franchisor to pass all such rebates, commissions, payments, and other benefits directly to the franchisee.

Subsection (d) requires a franchisor to report not less frequently than annually, using

generally accepted accounting principles, the amount of revenue and profit it earns from the sale of equipment, fixtures, supplies, goods, or services to the franchisee.

Subsection (e) excepts reasonable quantities of goods and services that the franchisor requires the franchisee to obtain from the franchisor or its affiliate from the requirements of subsection (a), but only if the goods and services are central to the franchised business and either are actually manufactured or produced by the franchisor or its affiliate, or incorporate a trade secret or other intellectual property owned by the franchisor or its affiliate.

SECTION 11. ENCROACHMENT

Subsection (a) prohibits a franchisor from placing, or licensing another to place, one or more, new outlet(s) in unreasonable proximity to an established outlet, if (i) the intent or probable effect of establishing the new outlet(s) is to cause a diminution of gross sales by the established outlet of more than five percent in the twelve months immediately following establishment of the new outlet(s), and (ii) the established franchisee offers goods or services identified by the same trademark as those offered by the new outlet(s), or has premises that are identified by the same trademark as the new outlet(s).

Subsection (b) creates an exception to this section if, before a new outlet(s) opens for business, a franchisor offers in writing to each franchisee of an established outlet concerned to pay to the franchisee an amount equal to fifty percent of the gross sales of the new outlet(s), for the first twenty-four months of operation of the new outlet(s), if the sales of the established outlet decline by more than five percent in the twelve months immediately following establishment of the new outlet(s), as a consequence of the opening of such outlet(s).

Subsection (c) places upon the franchisor the burden of proof to show that, or the extent to which, a decline in sales of an established franchised outlet occurred for reasons other than the opening of the new outlet(s), if the franchisor makes a written offer under subsection (b) or in an action or proceeding brought under section 12.

SECTION 12. PRIVATE RIGHT OF ACTION

Subsection (a) gives a party to a franchise who is injured by a violation or impending violation of this Act a right of action for all damages caused by the violation, including costs of litigation and reasonable attorney's fees, against any person found to be liable for such violation.

Subsection (b) makes jointly and severally liable every person who directly or indirectly controls a person liable under subsection (a), every partner in a firm so liable, every principal executive officer or director of a corporation so liable, every person occupying a similar status or performing similar functions and every employee of a person so liable who materially aids in the act or transaction constituting the violation, unless the person who would otherwise be liable hereunder had no knowledge of or reasonable grounds to know of the existence of the facts by reason of which the liability is alleged to exist.

Subsection (c) states that nothing in the Act shall be construed to limit the right of a franchisor and a franchisee to engage in arbitration, mediation, or other nonjudicial dispute resolution, either in advance or after a dispute arises, provided that the standards and protections applied in any binding nonjudicial procedure agreed to by the parties are not less than the requirements set forth in the Act.

Subsection (d) prohibits an action from being commenced more than five years after

the date on which the violation occurs, or three years after the date on which the violation is discovered or should have been discovered through exercise of reasonable diligence.

Subsection (e) provides for venue in the jurisdiction where the franchise business is located.

Subsection (f) states that the private rights created by the Act are in addition, to, and not in lieu of, other rights or remedies created by Federal or State law.

SECTION 13. SCOPE AND APPLICABILITY

Subsection (a) applies the requirements of the Act to franchise agreements entered into, amended, exchanged, or renewed after the date of enactment of the Act, except as provided in subsection (b).

Subsection (b) delays implementation of Section 3 of the act until ninety days after the date of enactment of the Act and applies Section 3's requirements only to actions, practices, disclosures, and statements occurring on or after such date.

SECTION 14. DEFINITIONS

Defines terms used in the Act.

INTRODUCTION OF THE GUN-FREE HOSPITAL ZONE ACT

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. MEEHAN. Mr. Speaker, I rise today to introduce the "Gun-Free Hospital Zone Act." A bill that will provide protection and peace of mind to doctors, nurses, patients, and administrative staffs of hospitals throughout the country.

The need for this legislation was brought to my attention by my constituent, Bernadett Vajda, whose father, Janos, was tragically murdered at the Holy Family Hospital in Methuen, MA.

Janos was simply visiting a hospital patient, Dr. Suzan Kamm, when he was attacked and shot to death by the estranged husband of Dr. Kamm.

It is very easy to imagine how this bill would have saved Mr. Vajda's life. Had the gunman, Dr. James Kartell, been aware of the prohibition of firearms in a hospital, he would have not carried one with him that fateful day. And when Dr. Kartell reached the fourth floor of the hospital and approached the room where his estranged wife had been admitted, he would have been unarmed.

What happened next, the chance encounter between Dr. Kartell and Mr. Vajda, would still have been emotional, potentially even resulted in violence, but without a gun at the scene, it almost certainly would not have resulted in murder.

Unfortunately, we witness frustration expressed in workplace violence increasingly in our country. Whether it be the tragic shooting recently in Hawaii, the murders this summer in Atlanta, or the all too numerous acts of violence at post offices, we have become accustomed to seeing the image of the emotional employee who resorts to violence.

Emotions run high at hospitals on a daily basis. Life and death decisions are made constantly in emergency rooms and hospitals throughout our country. In this atmosphere of heightened emotion and decreased logic, unthinking acts of violence are more likely and less preventable.

This legislation deals with a very real issue, but do not just take my word for it, look at the statistics on workplace violence at hospitals. According to the Bureau of Labor Statistics, health care and social service workers have the highest incidence of injuries from workplace violence. Further, health care workers rank only behind convenience store clerks and taxi cab drivers in terms of workplace risk of homicide.

Emergency room physicians and nurses are at special risk. According to the Emergency Nurses Association, 24 percent of emergency room staff are exposed to physical violence with a weapon 1–5 times a year. The rate of violence is increasing annually.

In 1997, 7 percent of emergency room nurses reported that they have been subjected to between 1 and 10 physical incidents involving firearms in the workplace during the past year. One nurse from the Colorado Nurses Association reported that "no hospital unit and no hospital—large or small, urban or rural—is immune" from violent gun attacks.

It is my goal to not only to make it less likely that tragic deaths like Mr. Vajda's occur, but also that nurses and doctors feel safer to do their jobs without worrying about whether the next person to walk in the emergency room door has a gun. For that reason, this legislation is supported by the medical professionals at Holy Family Hospital who hope never to experience a tragic incident like Mr. Vajda's death ever again.

THE U.S. COAST GUARD: MAY THEY ALWAYS BE READY

HON. DAVID M. MCINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. MCINTOSH. Mr. Speaker, I submit for the RECORD, the following article about the U.S. Coast Guard's Deepwater Mission Project. "Moving Into the Next Century: Recapitalization Will Ensure That the Coast Guard Remains Semper Paratus" was written by Ernest Blazar of the Lexington Institute and appeared in the August 1999 edition of Sea Power magazine. I call this article to your attention because I feel it is one of the best articles about the Coast Guard's need to modernize their fleet of cutters and aircraft for the 21st century.

[From Sea Power, Aug. 1999]

MOVING INTO THE NEXT CENTURY

(By Ernest Blazar)

In 1969, the Coast Guard's high-endurance Hamilton-class cutter USCGC *Dallas* sailed the waters of South Vietnam, executing seven combat patrols. She provided naval gunfire support more than 150 times, firing over 7,500 rounds of five-inch ammunition. She destroyed 58 sampans and attacked 29 enemy supply routes, base camps, or rest areas.

On 22 June 1999, the same 378-foot-long ship—which was commissioned in 1967—left her homeport (Charleston, S.C.) for yet another overseas patrol. Assigned to the Navy's Sixth Fleet for three months, *Dallas* is helping to patrol the Adriatic Sea after NATO's successful air campaign against Yugoslavia.

The durable cutter's three decades of service clearly demonstrate the Coast Guard's ability to wring the last ounce of usefulness

from its aging ships—but it also underscores the fact that the Coast Guard has been forced, primarily for budget reasons, to carry out its military, maritime-safety, law-enforcement, and other missions with outdated resources that are badly in need of replacement and repair. Some Coast Guard ships were in active service during World War II.

It is not just ships, though. The Coast Guard's 190 fixed-wing aircraft and helicopters also need replacement, and often need repairs to sustain acceptable readiness and safety levels. Exacerbating the problem is the fact that these air and surface platforms were purchased piecemeal over decades, so they were never properly integrated with the right communication and data links or fitted with proper sensors. (One problem afflicting today's fleet is that the Coast Guard's HH-60J Jayhawk helicopters are too large to land on any but the largest of the service's cutters.)

CASUALTIES UP, AVAILABILITY DOWN

The overall situation has caused numerous problems for the Coast Guard, and also has degraded the service's "ability to manage the tactical picture," said Rear Adm. Ernest Riutta, assistant commandant for operations.

The end result is a steady decline in readiness and in the availability of Coast Guard ships and aircraft to perform their missions. Machinery and electronics casualties have increased 45 percent in 10 years, for example, and the nonavailability rate for HU-25 Falcon medium-range search aircraft has doubled since 1996.

To remedy these problems the Coast Guard has developed a plan to replace and modernize its current ships, aircraft, and command, control, and communications (C3) network. That plan is called "Deepwater." One of its main aims is to ensure that the new ships, aircraft, and C3 equipment the Coast Guard will be buying in the future are fully interoperable from the start, instead of knitted together haphazardly, as has been the case in the past.

To ensure that the proposed fleet recapitalization is well-planned and can be carried out in a cost-effective manner the Coast Guard has issued contracts to three industry teams:

Avondale Industries—Newport News Shipbuilding—Boeing—Raytheon.

Science Applications International—Bath Iron Works—Marinette Marine—Sikorsky.

Lockheed Martin—Ingalls Shipbuilding—Litton—Bollinger Shipyards—Bell Helicopter Textron.

Each member of each team possesses expertise in areas of operational importance to the Coast Guard. Lockheed Martin's Government and Electronic Systems Division in Moorestown, N.J., for example, has long supplied the Navy with such important systems as the highly successful Aegis SPY-1 radar system, the Mk92 fire-control radar carried on Perry-class guided-missile frigates, and the Mk41 vertical-launch system. The company also has a strong reputation for successfully integrating varied naval communications and combat systems.

SHORTFALLS AND STATISTICS

To fully understand Deepwater, one must first examine the shortfalls in platforms and equipment currently affecting the Coast Guard. One telling statistic: Seven of the service's nine classes of ships and aircraft will reach the end of their originally projected service lives within the next 15 years.

The Coast Guard relies upon three classes of cutters for its long- and medium-range surface missions: the 378-foot Hamilton-class high-endurance cutters (WHECs); the 270-foot Famous-class medium-endurance cutters (WMECs); and the 210-foot Reliance-class WMECs.

All of these ships are aging—some were built as long ago as the late 1960s—and are becoming increasingly difficult to maintain. They also are technologically obsolescent. The diesel engines of the Reliance-class cutters are so old, in fact, that they are used elsewhere only on the locomotives in South Africa.

These ships also impose a heavy personnel burden on the Coast Guard. The *Dallas*, for example, normally carries a crew of 19 officers and 152 enlisted personnel, more than twice the number required to operate highly automated modern cutters of similar size. The Danish Thetis-class offshore patrol vessel is 369 feet long, displaces 3,500 tons, and has a 90-day endurance—but operates with a crew of only 90 personnel. A larger crew means a higher payroll of course. What this means is that the Coast Guard has been forced, in essence, to pay a sizable surcharge simply because it has not been provided the funds needed to buy new advanced-technology ships.

OPERATIONAL INCOMPATIBILITIES

There are several operational factors to consider, moreover. The Reliance class cutters are equipped with surface-search radars, for example, but have no sonars and no electronic countermeasures systems. They are capable of landing helicopters, but have no hangar facilities.

Even the somewhat less antiquated Famous-class WMEC, built in the 1980s, lack the ability to maintain real-time voice, video, or data links with other Coast Guard assets; they also have no Link-11 or Link-16 capability, essential for the exchange of tactical data with other U.S. military forces.

There also are shortfalls in speed. None of the Coast Guard's cutters can match the so-called "go-fast" boats—drug smuggling craft that can achieve high rates of speed. Smugglers often are also armed with night-vision goggles, satellite phones, and digital precision-location equipment, widely available commercial gear that Coast Guard vessels do not have.

The Coast Guard's aviation assets suffer from similar limitations. The HH-65A Dolphin helicopters, for example, are operationally compatible with the Reliance, Hamilton, and Famous cutters, but the Dolphin's sensor payload is less than it could be because of weight handling limitations on the cutters.

The service's HH-60J Jayhawk helicopters are capable of long-range operations, and have significant endurance, but these helicopters are compatible only with the Famous-class WMECs—which can give them only limited on board maintenance and logistics support, unfortunately.

Among the Coast Guard's fixed-wing aviation assets are 20 HU-25 Falcon medium-range search jets, all of which are over 14 years old and suffer from engine supportability problems. Their APG-66 radar provides a good intercept capability—but only eight of the HU-25s are equipped with that radar. The remaining 12 Falcons simply lack the modern sensor packages they need to carry out their missions. One indication of the limited utility of the Falcon fleet is the fact that the Coast Guard put 17 others Falcons into storage in 1998.

DEEP, DARK DEFICIENCIES

The deficiency in sensors puts Coast Guard ships and aircraft at a severe disadvantage against maritime lawbreakers, according to Capt. Craig Schnappinger, the Coast Guard's Deepwater program manager. "They can see us before we can see them."

The Coast Guard's 23 HC-130 fixed-wing aircraft, which are used for long-range aerial search missions, are being fitted with new FLIR and electro-optical sensor packages

and Global Positioning System receivers. This is one of the few bright spots in Coast Guard aviation today. Otherwise, the picture is dark. "Scrutiny of individual platform capabilities," according to the Coast Guard's "21st Century Hemispheric Maritime Security" document, "reveals an unintegrated system that falls well short of optimum tactical requirements."

One of the more promising hardware solutions to its aviation problems that the Coast Guard is considering is the HV-609, a commercial tiltrotor craft that can take off and land like a helicopter but fly like a fixed-wing aircraft. Now under development by Bell Helicopter Textron, the HV-609 will have a speed of 275 knots and a range of 750 nautical miles, and will be able to carry a significant payload. Because of its versatility the Coast Guard might possibly use the '609 to replace several different types of aviation platforms now in the inventory—thereby helping to streamline logistics and maintenance costs in the future.

The Coast Guard protects the nation's maritime borders and carries out numerous missions of importance to all Americans. But continuing to operate aging platforms that are not equipped with modern sensors guarantees a future filled with hazard and difficulty not only for the Coast Guard itself but for all whose lives are touched by the sea.

By recapitalizing the force, the Coast Guard believes, it will be able to operate more safely and efficiently—and more cost-effectively as well. "I think we are moving in the right direction," said Riutta. Congressional approval of the Deepwater program, he said, will "more us into the next century and equip our people with the resources [needed] to do their jobs properly."

EAGLE SCOUTS HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, six outstanding young individuals from the 3rd Congressional District of Illinois, all who have completed a major goal in their scouting career.

The following young men of the 3rd Congressional District of Illinois have earned the high rank of Eagle Scout in the fall and winter seasons: Anthony Cesaro, Eric Charles Fritz, John A. Studnicka Jr., Brandon William Pfizenmaier, Peter William Davidovith, and Charles Lamphier. These young men have demonstrated their commitment to their communities, and have perpetuated the principles of scouting. It is important to note that less than two percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities.

In light of the commendable leadership and courageous activities performed by these fine young men, I ask my colleagues to join me in honoring the above scouts for attaining the highest honor in Scouting—the Rank of Eagle. Let us wish them the very best in all of their future endeavors.

TRIBUTE TO A NEWSPAPER
LEGEND, CLAUD EASTERLY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, with the passing of Claud Easterly, editor of the Denison Herald for 30 years and one of his hometown's foremost historians, comes the end of a generation of old-fashioned newspapermen who learned their trade on the job, not in the classroom, and who preferred their old typewriters to computers. Such a man was Claud Easterly of Denison, TX, who died this year at the age of 91.

During Mr. Easterly's career, he interviewed five U.S. Presidents, several Vice Presidents, Speaker of the House Sam Rayburn, my predecessor in the fourth district, bandleader John Phillip Sousa, magician Harry Houdini, Father Flanagan of Boys Town, New York Mayor LaGuardia and heavyweight boxing champion Joe Louis, among many other State and national dignitaries.

Yet he said that his greatest experiences were "in helping record the more routine events that reflected the failures and successes, joys and sorrows of the folks here at home," according to the Herald Democrat, the newspaper that succeeded the Denison Herald and to which he continued to contribute articles and serve as a reliable source until shortly before his death.

Claud Easterly knew his community well and served it well through 30 years as editor of the city newspaper. Inspired by his high school English teacher, he proved adept at writing. He was named the first editor of his high school newspaper and upon graduation from high school approached the editor of the Denison Herald, who agreed to hire him at no pay until he learned the job. Three months later, he was put on the payroll at a salary of \$12.50 per week, and as they say, the rest is history. In addition to his famous interviews, he covered many historical events, including the Red River Bridge war in 1931, the construction of Denison Dam in the 1940's and the local perspective of World War II.

In addition to his newspaper responsibilities, Mr. Easterly also was active in the civic life of Denison. He served as president of the Lions Club, a director of the Chamber of Commerce and a board member of the Public Library. Following his retirement in 1972 as editor of the newspaper, he campaigned for and was elected to the Denison City Council. He also was a member of Waples Memorial United Methodist Church.

Claud Easterly was born in Denison in 1907, the son of Mr. and Mrs. E. W. Easterly. In 1931 he married his high school sweetheart, Ruth Davis. Following her death in 1967, he married Mrs. Ophelia Taylor, who survives him. Also surviving are his son David Easterly and daughter-in-law Judy, stepson Richard Taylor and wife Carol; stepdaughter Carolyn Arnett and husband Butch, a brother Doug, 10 grandchildren and 1 great-grandchild.

Claud Easterly was proud that his son, David, followed him in the newspaper business, getting his start alongside his father at the Denison Herald. David is now president of Cox Enterprises, which owns and operates a

number of newspapers, including the Atlantic Journal & Constitution.

Mr. Speaker, Claud Easterly lived during the tenure of three representatives of the Fourth District of Texas—Speaker Sam Rayburn, Ray Roberts, and myself. He knew our district as well as we did, and so it is both an honor—and fitting—to ask my colleagues to join me in paying our last respects to this great newspaperman from Denison, TX—Claud Easterly. His memory will be preserved in the archives of his newspaper—and in the hearts and minds of those who knew him.

TRIBUTE TO ADMIRAL ARCHIE
CLEMINS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHIMKUS. Mr. Speaker, I rise before you today to express my gratitude and admiration for Admiral Archie Clemins, commander of the United States Pacific Fleet.

His leadership and courage during his thirty-four years of military service was outstanding. Since his retirement on October eighth, he has been greatly missed.

I would also like to take this time to show my appreciation for the time he has spent with Scott Wagner's fifth-grade class at Horace Mann School in Mt. Vernon, Illinois. Admiral Clemins has found the time to share his skills and knowledge with these impressionable students. Utilizing stories and souvenirs from his travels, he has both educated and entertained these pupils. In addition, he has funded trips for them to the Great Lakes Navy Base as well as the base in San Diego, California.

I would like to again express my sincere appreciation for Admiral Clemins' generosity and commitment to our country and its future.

MEDICARE, MEDICAID, AND SCHIP
BALANCED BUDGET REFINEMENT ACT OF 1999

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise in opposition to HR 3075. When the BBA of 1997 was enacted, it wrought havoc with a sea of unintended consequences in Medicare cuts.

Mr. Speaker, in my state alone, the BBA will reduce Medicare hospital payments by \$4.8 billion dollars over five years—these cuts are mostly permanent.

They will cripple the delivery of healthcare to seniors and to the under-served far beyond 2002.

While this bill begins to fix some of the devastating cuts, it does not go far enough. The bill before us today provides restorations equaling only 15.6 percent of the BBA Medicare reductions and these are only temporary fixes.

Where does the money for the fixes come from? The restorations come at the expense of direct- graduate- medical- education fund-

ing. This means that teaching hospitals in my state will be deprived of \$100 to \$130 million dollars over 5 years.

The situation of the teaching hospitals is already dire. Because of the BBA, many of these hospitals are close to financial ruin. These institutions are not only the academic centers that train our future healthcare providers—they are the hotbeds of medical research that produces life-saving treatments.

The teaching hospitals are the "safety net" hospitals that care for the nation's low-income and uninsured patients when they are sick and have nowhere else to turn.

Mr. Speaker, let me walk you through how this will hurt each off the teaching hospitals in my district.

Because of the teaching hospital provisions included in this bill, Mt. Sinai hospital will lost \$14.4 million over 5 years; Lenox Hill hospital will lost \$4.5 million over 5 years; Memorial Sloan Kettering hospital will lose \$180,00 over 5 years; Beth Israel hospital will lose \$33.9 million over 5 years; the hospital for Special Surgery will lose \$3.6 million over 5 years; the Hospital for Joint Diseases will lose \$1.9 million over 5 years.

The bill before us today neglects to adequately address the crisis in the teaching hospitals. While the bill's restoration of funding to skilled nursing facilities is favorable, only a band-aid, temporary remedy is provided for outpatient hospital departments.

Mr. Speaker, let's go back and do this right. Give us the change to offer amendments and let's have a real debate. While there are some provisions in this bill that I support, I believe that we can do a better job at protecting our Medicare beneficiaries, providers and teaching hospitals. I urge a "no" vote.

ASIAN-AMERICAN MEDICAL
SOCIETY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to announce that the Asian-American Medical Society will be hosting its 23rd Annual Asian-American Medical Society Charity Gala on Saturday, November 13, 1999, at the Radisson Hotel in Merrillville, Indiana. Each year, the Asian-American Medical Society honors prominent, extraordinary residents of Northwest Indiana for their contributions to the community. In recognition of their tremendous efforts for the betterment of Northwest Indiana, they are honored at a banquet and awarded the prestigious Crystal Globe Award. This year, four outstanding citizens from Northwest Indiana will be presented with the Crystal Globe Award for their dedication and devotion to the community.

This year's Arts and Humanities recipient, Maestro Tsung Yeh, is one of the most talented citizens of Northwest Indiana. Tsung Yeh is the Music Director and conductor of the Northwest Indiana Symphony Orchestra, a position he officially began with his acclaimed debut at the 1997 Holiday Pops concert. This season also marks Mr. Yeh's twelfth highly successful season as Music Director and Conductor of the South Bend Symphony Orchestra, and his second season as Principal Conductor of the Hong Kong Sinfonietta. In July

1997, Maestro Yeh conducted at the reunification ceremonies in Hong Kong. Although his work and community service often constrains his free time, Tsung Yeh has never limited the time he gives to his most important interest, his family. He and his wife Saulan reside in Grainger, Indiana with their three children, Mona, Melina, and Joseph.

Mayor Scott King is this year's Civic Leadership recipient. Scott King was elected Mayor of the City of Gary in 1995, and entered into his official capacity in January of 1996. Before becoming Mayor, King served as a public defender, deputy prosecutor, and assistant U.S. Attorney of the Northern District of Indiana. As Mayor, King serves as not only a respected member of the professional community, but also as a mentor and a community leader. He offers his services and time to many professional organizations and has accepted numerous appointments, including serving as co-chairman of the United States Conference Mayors' Drug Policy Taskforce.

This year's Healthcare recipient, Dr. Mridula Prasaad, is one of the most caring dedicated, and selfless citizens of Indiana's First Congressional District. Dr. Prasaad is a Board Certified neurologist who has been in private practice since 1988. She offers her services and time to many professional organizations as the Associate Medical Director of the Rehabilitation Unit of Community Hospital, the Associate Program Director of the Multiple Sclerosis Clinic of the Neuroscience Institute of Methodist Hospital, and a Clinical Assistant Professor of Neurology at the Northwest Center for Medical Education, Indiana School of Medicine in Gary. She most recently became the Executive Director of People Helping People, a nonprofit organization she founded to help those with Multiple Sclerosis find assisted and independent living.

Valparaiso University's President, Dr. Alan Harre is this year's Academic Excellence recipient. Dr. Harre became the 17th President of Valparaiso University in October of 1988. Before coming to Valparaiso University, Dr. Harre served as President of Concordia University in St. Paul, Minnesota. As President, Dr. Harre serves as a teacher, mentor, and community volunteer. He offers his services and time to many professional organizations including serving on the board of directors for numerous organizations throughout Northwest Indiana including the Northwest Indiana Forum, the Valparaiso Community Development Corporation, Munster Community Hospital, and the Quality of Life Council. Though Dr. Harre is dedicated to his career and community, he has never limited the love of his family. Dr. Harre and his wife Diane have three children, Andrea, Jennifer, and Eric, as well as four grandchildren, all of whom they are immensely proud.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating the Asian-American Medical Society's 1999 Crystal Globe Award winners. The service, dedication, and altruism displayed by Tsung Yeh, Mayor Scott King, Dr. Mridula Prasaad, and Dr. Alan Harre inspire us all to greater deeds.

TRIBUTE TO BILLY AND ALICE NIX ON THEIR 50TH WEDDING ANNIVERSARY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to two people who I am proud to call my friends, Billy and Alice Nix, on the celebration of their 50th wedding anniversary.

I have had the pleasure of knowing Billy and Alice Nix for 4 years. When I'm in Sidney or Ash Flat for parades, Billy drives me in one of his antique cars. Billy and Alice are always ready to do their part for the community, school, church or business. The Nixes have been active members of the community of Ash Flat, Arkansas for over 40 years, where they own and run the Ash Flat Livestock Auction. Billy has served on the Sharp County Fair Board and the Northeast Arkansas District Fair Board. Alice gives her time at the Ash Flat Historical Society where she helped the organization publish a book about the history of Ash Flat. The Nix family is also involved in the Church of Christ.

The Nixes cherish their family including their three wonderful children Mike, Jan, and Beverly; and their 10 grandchildren and five great grandchildren. They are perfect examples of good neighbors, friends, parents and grandparents. The integrity and dedication of the Nixes is a living example to all that know them, especially to institutions like marriage. Our community is a better place to live and work and raise a family because of their efforts and the care and the dedication of Billy and Alice Nix.

CALIFORNIA RAISIN MARKETING BOARD

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize the debut of the California Raisin Marketing Board, CRMB. The CRMB has taken the place of CALRAB, the California Raisin Advisory Board.

CRMB is planting its first roots in tomorrow's raisin sales with restaurant projects, back-to-school campaigns, food service and produce marketing trade show participation, retail and trade advertising, website development, health and nutrition research and promotions, and the rebirth of the California Raisin, a new character replacing all previous Dancing Raisin Art.

The new character will bring life to raisins and CRMB will launch California raisins into the twenty first century with new ways to promote their product. One of the first major outings for the new character will be a Denny's Restaurant promotion, debuting in January 2000.

The California raisin industry has come far as the world raisin leader. CRMB will bring true glory to the raisin industry in the years to come.

Mr. Speaker, I applaud the California Raisin Marketing Board for their new innovative plan

and character to bring us into the new millennium. I urge my colleagues to join me in wishing CRMB a bright future and many years of success.

HONORING JOHN JORDAN "BUCK" O'NEIL ON HIS 88TH BIRTHDAY

HON. KAREN MCCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to honor a fellow Kansas Citian, and a man who has come to embody the ideals we share as a nation. As a player and coach for the Negro League's Kansas City Monarchs baseball team, as coach and scout for the present day Kansas City Royals, and as a community activist promoting reading and education to children, John Jordan "Buck" O'Neil has come to represent some of our most noble values: determination and dignity, humility and excellence. "Buck" has been a pioneer and trailblazer throughout his life and illustrious career, and demonstrates in his everyday actions and words that determination is the pathway to success. He is a role model for our children and a champion for our country.

As a player, Buck had a career batting average of .288, including four .300-plus seasons at the plate, and led the Kansas City Monarchs to victory in the 1942 Negro World Series. After 12 years as a player, Buck changed hats and managed the Monarchs to four more league titles in six years. Following his career with the Kansas City Monarchs, Buck joined the major leagues as a scout for the Chicago Cubs. In 1962 the Chicago Cubs made him the first African-American to coach in the major Leagues. Buck is credited with signing hall of Fame Baseball greats Ernie Banks and Lou Brock to their first pro contracts, and is acknowledged to have sent more Negro League athletes to the all-white major leagues than any other man in baseball history.

Buck is currently the Chairman for the Negro Leagues Baseball Museum in Kansas City and spends his time promoting the achievements of African-American baseball players who played for love of the game, despite being shut out of the majors because of the color of their skin. As a member of the 18-person Baseball Hall of Fame Veterans Committee, he continues to tear down racial barriers by advancing deserving Negro Leaguers for induction to the Hall. In addition to his duties in Cooperstown and at the museum in Kansas City, Buck is finding new ways to enjoy life and share his wonderful exuberance. As a player, coach, scout, writer, and volunteer Buck represents a magnificent example to our generation and the next.

Mr. Speaker, please join me in saluting John Jordan "Buck" O'Neil, a distinguished ambassador for baseball and symbol of African-American pride, a true hero for all of America, and a favorite son of Kansas City. Congratulations, Buck on the 1999 John Stanford Education Heroes Award. It is an honor to help celebrate your 88th birthday and demonstrate the Negro League's commitment to education through "Reading Around the Bases." I salute you for your lifetime of achievement, and am both proud and honored to call you my friend. Thank you, Buck, for all

you have done, and for all you continue to contribute to our lives.

IN RECOGNITION OF STUDENTS'
VOICES AGAINST VIOLENCE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SHERMAN. Mr. Speaker, I rise today to recognize two individuals from my district who attended the Voices Against Violence Congressional Teen Conference. Sadly, teen violence has dominated the headlines of our newspapers around the country.

Marilyn Coto, a senior at Malibu High and Lana Borkin, a sophomore at Valley Alternative Magnet School in Van Nuys, have proven themselves leaders in our community in promoting a peaceful learning environment for all students. They were instrumental in working with lawmakers, to draft legislation during the conference and offered idea on how to combat this problem of violence in our schools. I would also like to commend the alternates chosen by the Committee: Monica Crooms and Jorge Lobos. Honorable Mention was awarded to Nicole Yates and Juliana Hermano. These teens are the future of our nation and it is imperative that their ideas and voices be heard in this national debate concerning youth violence.

I would also like to acknowledge the Youth Violence Advisory Committee, brought together to choose the attendees of the conference. These distinguished individuals were selected to serve on the panel based on their commitment to not only raising awareness of violence, but also their efforts with children and others toward developing solutions. They will continue to work with students in the coming months to implement the ideas discussed at the conference.

The Committee includes: Committee Chair, Ralph Myers, crime victims advocate, Advisory Board member for the Nicole Parker Foundation and Justice for Homicide Victims; Larry Horn, a Professor of Sociology at Pierce and Mission Colleges; Carlos Morales, co-leader of Parents of Murdered Children, Inc. San Gabriel Valley Chapter; and LAPD Detective Joel Price from the Community Resources Against Street Hoodlums (CRASH) Unit, and member of the Board of Directors of the Nicole Parker Foundation.

We must support our teens and encourage them to express their ideas, especially on this national issue of youth violence. They are directly affected by the things we only read about in the paper. As such, they have the experience to aid our legislators in establishing a safe environment for our students. Their leadership and contributions will make a significant impact on our country and ensure safety and peace for future generations.

Mr. Speaker, distinguished colleagues, please join me in honoring Ms. Coto and Ms. Borkin, all of the students who applied and participated in the Conference, and the members of the Youth Violence Advisory Committee. Their dedication to ending youth violence serves as an inspiration and model to us all.

TRIBUTE TO THE NEW YORK
YANKEES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute and to congratulate the Team of the Decade and the sports franchise of the century, the Yankees.

Mr. Speaker, for the 25th time in their glorious history, the New York Yankees are the World Champions. On Wednesday, October 27, the Bombers proved once again why they are the most successful franchise in the history of sports. As the Representative from the 16th Congressional District in the Bronx, home of the Yankees, I congratulate George Steinbrenner, Manager Joe Torre, and the whole Yankee team on a job well done.

Mr. Speaker, the Yankees overcame a lot of personal hardship to reach their collective goal. They played as a team and they won as a team. Today the Bronx is celebrating, New York is celebrating, and all across our country Americans realize that the best baseball is still being played in the Bronx.

Mr. Speaker, I ask my colleagues to join me in paying tribute to and congratulating the Team of the Decade and the sports franchise of the century, the New York Yankees. Go Yankees.

TRIBUTE TO MYRTIE BOZEMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a well-known and beloved citizen of Terrell, Texas—Myrtie Hargrove Bozeman, who died on September 1 at the age of 90. Known locally as “Myrtie,” she will always be remembered for her devotion to her community and for her widely-read column, “The College Mound News,” published in the Terrell Tribune. Her column, which ran for more than forty years, was a chronicle of the every-day activities of this close community.

Miss Myrtie was born at College Mound Community, the daughter of Neb and Maudie Baxter Hargrove, and lived there and in Terrell all her life. She attended school at College Mound and Wesley College. In 1930 she married Jake Bozeman, who precedes her in death along with their only child, Jack Bozeman.

Miss Myrtie was an active member of the College Mound Methodist Church, the United Methodist Women, the Kaufman County Children's Shelter, the Business and Professional Women's Club, the Terrell Story League and the College Mound Cemetery Association. She also worked as a dispatcher for the Terrell Police Department and later as director of social services at Blanton Gardens of Dallas. She devoted her life to helping others, and her commitment to community service led to her being honored as Terrell's Citizen of the Year and as College Mound's Woman of the Year.

Survivors include her sisters, Maggie Yarbrough, Ona Tuggle and Oneta Ott; daugh-

ter-in-law Inace Bozeman Howied; granddaughter Lynne Bozeman Crews and husband Charles; Peggy Bozeman Morse and husband Frederick; and Debbie Bozeman; and great-grandchildren, Cara, Clint and Cassie Crews and Paige, Hilary and Jess Morse.

She is preceded in death by sister Viola Crouch, brothers Clarence, Willie, Frankie and Fonzo Hargrove and granddaughter Jenny Beth Bozeman.

Mr. Speaker, Myrtie Hargrove Bozeman's affection for those who lived in College Mound and Terrell was evident in her news columns and in her personal involvement in the life of those communities. She was very special to me. During my long years of public service, I kept in touch with Miss Myrtie. She, even in her last years, was modern and up-to-date in her thoughts and activities. She kept me aware of all of the pie suppers and silent auctions and church activities at the College Mound United Methodist Church. She had her own unique and friendly way of making everyone feel welcomed and wanted. We cannot replace her, but we can always remember her.

Mr. Speaker, Miss Myrtie will be missed by all those who knew her—and as we adjourn this legislative session, let us do so in her memory.

PROVIDING FOR CONSIDERATION
OF H.R. 3196, FOREIGN OPERATIONS,
EXPORT FINANCING,
AND RELATED PROGRAMS AP-
PROPRIATIONS ACT, 2000

SPEECH OF

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mr. PORTMAN. Mr. Speaker, I am delighted that the FY 2000 Foreign Operations Appropriations bill, H.R. 3196, earmarks at least \$13 million to carry out the provisions of the Tropical Forest Conservation Act, which I introduced with JOHN KASICH and Lee Hamilton and was signed into law last year.

The Tropical Forest Conservation Act expands President Bush's Enterprise for the Americas Initiative—EAI—and provides a creative market-oriented approach to protect the world's most threatened tropical forests on a sustained basis.

Tropical forests provide a wide range of benefits, literally affecting the air we breathe, the food we eat, and medicines that cure diseases. They harbor 50–90 percent of the Earth's terrestrial biodiversity. They act as “carbon sinks”, absorbing massive quantities of carbon dioxide from the atmosphere, thereby reducing greenhouse gases. They regulate rainfall on which agriculture and coastal resources depend, which is of great importance to regional and global climate. And, they are the breeding grounds for new drugs that can cure disease.

The Tropical Forest Conservation Act builds on the EAI's successes in the early 1990's, and links two significant facts of life. First, important tropical forests are disappearing at a rapid rate between 1980 and 1990, 30 million acres of tropical forests—an area larger than the State of Pennsylvania—were lost every year. Second, these forests are located in less developed countries that have a hard time repaying their debts to the United States. In fact,

about 50 percent of the world's tropical forests are located in four countries—Indonesia, Peru, Brazil, and the Congo—and these countries have in the aggregate over \$5 billion of U.S. debt outstanding.

The Tropical Forest Conservation Act gives the President authority to reduce or cancel U.S. A.I.D. and/or P.L. 480 debt owed by any eligible country in the world to protect its globally or regionally important tropical forests. These "debt-for-nature" exchanges achieve two important goals. They relieve some of the economic pressure that is fueling deforestation, and they provide funds for conservation efforts in the eligible country. There is also the power of leveraging—one dollar of debt reduction in many cases buys two or more dollars in environmental conservation. In other words, the local government will pay substantially more in local currency to protect the forest than the cost of the debt reduction to the U.S. Government.

For any country to qualify, it must meet the same criteria established by Congress under the EAI, including that the government has to be democratically elected, cooperating on international narcotics control matters, and not supporting terrorism or violating internationally recognized human rights. Furthermore, to ensure the eligible country meets minimum financial criteria to meet its new obligations under the restricted terms, it must meet the EAI criteria requiring progress on economic reforms.

The Tropical Forest Conservation Act is a cost-effective way to respond to the global crisis in tropical forests, and the groups that have the most experience preserving tropical forests agree. It is strongly supported by The Nature Conservancy, Conservation International, the World Wildlife Fund, the Environmental Defense Fund and others. Many of these organizations have worked with us very closely over the last two years to produce a good bipartisan initiative.

I am delighted that H.R. 3196 includes these funds that will be used to preserve and protect millions of acres of important tropical forests worldwide in a fiscally responsible fashion.

IN RECOGNITION OF JEFFERSON THOMAS, A MEMBER OF THE "LITTLE ROCK NINE"

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. PRYCE of Ohio. Mr. Speaker, I rise today to congratulate Jefferson Thomas, a resident of the Far East Side of Columbus, on receiving the Congressional Gold Medal. Mr. Thomas was a member of the so-called "Little Rock Nine," a group of African-American high school students who first crossed racial barriers at Central High School in Little Rock, Arkansas forty-two years ago. President Clinton bestowed the medal on Thomas and the other eight members of the "Little Rock Nine" today in a ceremony at the White House. The Congressional Gold Medal is the nation's highest honor for a civilian. Previous recipients of the award include such notable figures as George Washington, Nelson Mandela and Rosa Parks.

In the summer of 1957, the city of Little Rock, Arkansas made plans to desegregate its

public schools. However, on September 2, the night before classes were to begin, Arkansas Governor Orval Faubus called out the state's National Guard to surround Little Rock Central High School and prevent any African-American students from entering the school. He stated that he was trying to protect citizens and property from possible violence by protesters he claimed were headed in caravans toward Little Rock. A federal judge granted an injunction against the Governor's use of the National Guard to prevent integration, and the troops were withdrawn on September 20.

When school resumed on Monday, September 23, Central High was surrounded by Little Rock policemen. Approximately one thousand people assembled in front of the school. The police escorted the nine African-American students into a side door of the building immediately before classes were to begin. Two days later, President Eisenhower dispatched the National Guard in an effort to maintain order and protect the "Little Rock Nine." Throughout their first year at Central High School, the nine civil rights pioneers received death threats and were the subject of violent acts. Through it all, they remained stoic and focused, realizing that the eyes of the nation were upon them in their quest for equality. In May of 1958, Ernest Green became the first African-American graduate of Little Rock Central High School.

Jefferson Thomas is to be commended for his courage in the face of overwhelming adversity. Little did he know that his bravery over forty years ago would have a lasting historical impact. His determination, and that of the other members of the "Little Rock Nine," paved the way for the desegregation of all schools, and helped make equality in education a reality for all students. Mr. Thomas is truly a source of inspiration to the citizens of Ohio and the rest of our nation.

"NOW AND TOMORROW"

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mrs. MINK of Hawaii. Mr. Speaker, I am inserting an article by Sally-Jo Keala-o-Ānuenue Bowman that tells the story of one recipient of a Native Hawaiian Health Scholarship, which is funded by Congress under the 1988 Native Hawaiian Health Care Act. This article provides compelling testimony on the value of this important program.

[From Island Scene (Summer 1999)]

NOW AND TOMORROW: A HAWAIIAN SOCIAL WORKER IN WAI'ANAE BRINGS TOGETHER HER WORK AND CULTURE

(By Sally-Jo Keala-o-Ānuenue Bowman)

Wai'anae Valley. A breeze through the crimson bougainvillea at Kahumana Residential Treatment Center offsets the noon-time sun.

In the parking lot, even before Julie Ann Lehuanani Oliveira opens her car door, Kenneth Panoke waves to her, and his sun-browned Hawaiian face breaks into a puka-toothed grin. Oliveira, 28, is young enough to be his daughter.

But he meekly follows her into the main building, rubber slippers slap-slapping the tile floor. He holds her hand while she talks with the center's medical director. Later he

clears her lunch plate when she finishes an informal conference.

Social worker Oliveira is on her Wai'anae rounds. Panoke, who has bipolar disorder, is glad to tag along. They're old friends from 1993, when he was a State hospital patient and she was a practicum student from the University of Hawai'i School of Social Work. Panoke had been in and out of the State hospital all his adult life.

Neither Panoke nor Oliveira is from Wai'anae, but this Leeward O'ahu community with its entrenched reputation for the classic Hawaiian problems of poverty, drugs, crime, and life-threatening diseases, offers Oliveira a chance to serve her own people. To Panoke, Wai'anae is a place to heal.

Oliveira's road to social work started on Maui, where she grew up in a Hawaiian-Portuguese family. Because her mother, Hazel Makahilaha Oliveira, was widowed at age 26, she counseled her five daughters to excel in school so they could be independent. Oliveira had known since she was 8 that she would join a helping profession. She earned a bachelor's degree in business administration before earning a master's in social work from the University of Hawai'i to be able to provide both direct and administrative services.

Her father's uncle, Lawrence Oliveira, was like a grandfather to Oliveira. When Uncle Lawrence was dying in Hāna in 1997, he told Oliveira to promise him she'd return home and take care of her community, her people. "We talk about how Hāna is so small that everyone knows each other, and the people have a hard time talking about their troubles. He told me that's where I could help."

These views meshed with the idea behind the Native Hawaiian Health Scholarship Program, which fully funded Oliveira's master's degree.

The goal of the scholarship program is to train Hawaiians to treat Hawaiians. The hope is that scholarship grads will return to work in their home communities.

The health of Hawaiians as a people is not good. They have the highest rates of diabetes and heart disease, and the lowest life expectancy of any ethnic group in Hawai'i. One contributing factor is that sometimes, because of cultural differences, Hawaiians are reluctant to seek health care. Hawaiian physicians and other health care workers help open the door, especially when these professionals grew up in those communities. That's why priority is given to applicants from under-served areas with large Hawaiian populations, such as Hāna, Wai'anae, and Moloka'i.

The scholarship program, federally funded through the 1988 Native Hawaiian Health Care Act, has awarded 82 full scholarships since 1991. In exchange, recipients—doctors, dentists, nurses, dental hygienists, social workers, public health educators, clinical psychologists, nurse midwives—promise to work in a Hawaiian community one year for each year of their professional training. Eight have stayed in their jobs beyond the required time, some in their home communities.

Oliveira remained in Wai'anae when she finished her obligation in 1977 at Hale Na'au Pono, the Wai'anae Coast Community Mental Health Center.

She began at the mental health center as a clinician in 1995, soon becoming head of the Adult Therapy Division. There, she recruited four other scholarship recipients—a move that boosted mental health service in Wai'anae and bounded the new professionals in their mission to help fellow Hawaiians.

"The most beneficial part of the scholarship is not the financial assistance, but the networking with other students and having encouraging mentors," Oliveira says. "I

know that many of the opportunities I have are a direct result of the scholarship program."

Hardy Spoehr, executive director of Papa Ola Lōkahi, the administrative branch of the Native Hawaiian Health Care systems, says: "All the scholarship students come out of their special Hawaiian seminars with a sense of Hawaiian culture that others may not have. They become aware of culturally appropriate ways, such as how to approach kūpuna [elders]. By 2002—when Federal funds are up for reauthorization—we'll have at least a hundred Hawaiian health professionals in the field."

In 1985, "You could count on two hands the number of Hawaiian physicians in Hawai'i," Spoehr says. "If these scholarships can continue for a total of 20 years, we'll build a pipeline of health services for 50 years—and make major changes in Hawaiians' health status."

The idea of how powerful a rich presence of Hawaiians in health care could be first came to Oliveira while she worked with Hale Na'au Pono, then bloomed big on a trip she arranged in 1997 for some of her women mental health clients. They spent three days on Kaho'olawe, the limited-access island that is still in transition from being a military practice bombing target to a re-sanctified cultural resource for Hawaiians. Oliveira saw metaphors for both her clients and herself.

"I talked to them about how the breakdowns in their lives were like Kaho'olawe's destruction," she says. "Their recovery will take their families' help. Nobody can do it alone. Kaho'olawe represents that. You can't be by yourself—it's contradictory to the Hawaiian perspective."

Oliveira is convinced that such cultural experiences are essential to the recovery of Hawaiian health. She also knows the major obstacle: funding.

Her new mission is to develop ways of documenting cultural approaches to solving mental health problems, to help ensure such programs will not forever be relegated to "fighting for funding scraps."

In 1997, to start a doctoral program in social welfare at the University of Hawai'i, she shifted her role at Hale Na'au Pono from directing day-to-day operations to consulting. She also began consulting at Wai'anae's Hui Hana Pono Clubhouse program and facilitating a women's group in the community for the Ho'omau Ke Ola drug and alcohol treatment center.

She is currently a consultant for the Native Hawaiian Health Care Systems (one office of which is on the Wai'anae Coast), and for the Kahumana Residential Treatment Center. She is also conducting research with the UH Department of Psychology to look at the impact of managed care on the severely mentally ill.

Farrington Highway is a fact of life, as Oliveira commutes from her Waikale home to Wai'anae.

There's much to be done. This is confirmed by Annie Siufanua, clinic intake coordinator at the mental health center. "On the Wai'anae Coast, we don't have anger management training, or programs for sex abuse or domestic violence," says Siufanua. "One psychiatrist comes three days a week. Sometimes you can't get an ambulance—there are only two for 65,000 people. The entire health care outlook is getting worse."

That doesn't deter Oliveira. "Our mission is to improve the health status of native Hawaiians. It's worth it if you can make a difference in even one person's life." She says, pausing. "But you pray at night that in 10 years the daughter of your client won't be in the clinic for the same thing."

By the time Oliveira finishes a Wai'anae day, the sandy beaches border the highway

gleam gold in the sinking sun. Already in her short career, she has served Wai'anae well. The community has also served her. It's here she developed her idea that "there's not enough for us Hawaiians at the policy level. That's why we have a hard time getting the funding we need."

Driving home, she keeps one eye on the road, the other scanning the mountains and the sea in this community where she has learned so much. "I couldn't have asked God to put me in a better place to prepare me to go home to work in Hāna," she says.

And that preparation is already paying off. Julie Oliveira has recently begun providing individual and family therapy in Hāna two weekends a month.

CELEBRATING THE FIFTH ANNIVERSARY OF DEATH VALLEY NATIONAL PARK

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. LEWIS of California. Mr. Speaker, I rise today to celebrate the fifth anniversary of the creation of Death Valley National Park, which protects and provides public access to some of the most dramatic scenery in the United States in a pristine desert environment that is unmatched in the world.

Death Valley became the largest national park in the lower 48 states when it was changed from national monument status and expanded to 3.3 million acres in 1994. More than 1.3 million people travel to the park now, and the historic Furnace Creek Inn remains open year-round—even through 130-degree summer days.

This spectacular park includes the lowest point in the Western Hemisphere—Badwater, at 282 feet below sea level—and mountain peaks over 11,000 feet tall. Much of the park is breathtakingly desolate wilderness, but visitors can also relive the time of the Gold Rush through ghost towns and the internationally famous Scotty's Castle.

In the past five years, the park staff has grown to include an archeologist, a botanist and hydrologist to research and protect the unique natural resources. The staff has successfully begun a multi-year effort to capture and remove the more than 500 burros who were introduced by miners, and who compete for scarce food and water with native wildlife like the Desert Bighorn Sheep. Non-native vegetation is also being removed.

The staff has also restored and improved historical resources like Scotty's Castle, and installed 60 new wayside interpretive exhibits, with plans for 50 more.

The park service has made efforts to ensure compensation and flexibility for private owners who property was included in the park, although some problems remain. We must urge the park service to make resolution of those inholder problems a top priority in the years to come.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Park Superintendent Dick Martin and his staff for creating a world-class national park in this unique natural environment. Their efforts have ensured that the treasures of the desert can be viewed by many more visitors—and protected for all those who will come in the future.

TRIBUTE TO SERGEANT THOMAS J. SHANLEY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen's mind, those who have dedicated their lives to law enforcement are to be commended. I would like to make a special commendation to Sergeant Thomas J. Shanley, a devoted law enforcement officer from Indiana's First Congressional District. Sergeant Shanley retired from the Schererville Police Department in September of this year after 21½ years of dedicated service. Sergeant Shanley will be honored by his family, friends, and members of the Schererville Police Department at a testimonial dinner Friday, November 12, 1999 at Teibel's Restaurant in Schererville, Indiana.

Thomas Shanley joined the Schererville Police Department on February 28, 1978 and graduated from the 51st class of the Indiana Law Enforcement Academy in July of 1978. He began his duties at the Schererville Police Department in the Patrol Division where in February of 1980 he was promoted to 1st Class Patrolman. Five years later he was promoted to the rank of Corporal and in 1989 was promoted to Sergeant. During his career with the Schererville Police Department, Sergeant Shanley served as a Certified firearms Instructor, an Instructor for the citizens Police Academy, Coordinator for the Field training program, and Coordinator for the Department Training program. He was most recently elected President of Training Coordinators for the Northwest Indiana Law Enforcement Training Center.

While Sergeant Shanley has dedicated considerable time and energy to his work with the Schererville Police Department, he has never limited the time he gives to his most important interest, his family. He and his wife Kathryn have one son, Patrick, age 10.

On this special day, I offer my heartfelt congratulations to Sergeant Shanley. His large circle of family and friends can be proud of the contributions this prominent individual has made to the law enforcement community and the First Congressional District of Indiana.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending Sergeant Thomas Shanley for his lifetime of service and dedication to the people of Northwest Indiana and the citizens of the United States. Sergeant Shanley can be proud of his service to Indiana's First Congressional district. He worked hard to make the Town of Schererville a safer place in which to live and work. I sincerely wish him a long, happy, healthy, and productive retirement.

INTRODUCTION OF A DISCHARGE PETITION FOR A MEDICARE PRESCRIPTION DRUG BENEFIT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce a rule for a discharge petition to force

Congress to consider a Medicare prescription drug benefit. The rule would bring H.R. 1495, the "Access to Prescription Medications in Medicare Act of 1999," to the floor for debate and open amendments. My bill provides a new Medicare benefit for prescription drugs—with a \$200 deductible, \$1700 in new benefits, with a 20 percent co-pay and stop loss protection for beneficiaries who would otherwise spend more than \$3000 out of pocket on prescription drugs. This attempt to get a bill considered in the House is a way to force Republicans to finally address the issue of access to affordable comprehensive prescription drugs for seniors.

A number of my colleagues and I have offered proposals for a way out of the current predicament which is particularly unfair to seniors lacking prescription drug coverage. The President has put forth his own Medicare prescription drug proposal which has no new deductible, requires a 50 percent co-pay of \$2000 in 2002, rising to \$5000 in 2008, and no stop loss protection. The "Prescription Drug Fairness for Seniors Act" (H.R. 664) introduced by Representatives Allen et. al. also has tremendous support. While this legislation would not create a new Medicare drug benefit, it would extend discounts to seniors equivalent to the discounts obtained by other large purchasers.

As a recent Families USA study makes painfully clear, the cost of prescription drugs has become unbearable for America's more than 14 million Medicare beneficiaries who cannot afford prescription drug coverage. The Families USA study finds that seniors, the last major insured consumer group without a prescription drug benefit, are paying prices that are rising four times faster than the rate of inflation. According to this well-researched study, these drug prices support profit margins for the makers of those drugs that averaged 20 percent, while the median margin for Fortune 500 companies is only 4.4 percent. These high prices are supplementing the already-inflated paychecks of those who work for the drug industry.

Likewise, the minority staff of the House Government Reform Committee recently conducted a comparison of prescription drug prices in my district and dozens of other districts and found that seniors buying their drugs out-of-pocket are paying about twice as much as the drug companies' favored customers (such as large insurance companies and HMOs). For Zocor, a cholesterol-lowering medication taken by millions by Americans—myself included—the price differential between what a consumer would pay who has no drug insurance relative to the rate for large group health plans is a staggering 229 percent—\$114.62 versus \$34.80 for a bottle of 60 pills.

At the same time, an article in last Sunday's Washington Post reported that the four area HMOs serving Medicare recipients in Washington, D.C. will limit prescription drug benefits beginning January 1st. This appears to be reflective of a national trend as many managed care companies sharply raise co-payments and cap drug coverage. For example, next year UnitedHealthcare will raise prescription drug co-payments from \$20 to \$90 for a 90-day mail order supply of a brand-name drug and Cigna plans to reduce its annual benefit for brand-name prescription drugs from \$600 to \$400, with a new limit of \$100 per each quarter of the year.

The public overwhelmingly recognizes the need to provide seniors with access to afford-

able drugs. According to a recent Harris poll, 90 percent of Democrats, 87 percent of liberals, and 80 percent of Republicans and conservatives support a Medicare drug benefit. In addition, 70 percent of those participating in a recent Discovery/Newsweek poll ranked the high cost of prescription drugs as "the most important problem with the health-care system." And in a survey undertaken to better understand the American public's concerns, last Sunday's Washington Post reported the fear that "Elderly Americans won't be able to afford the prescription drugs they need" as one of the top issues that worries Americans.

So why, in light of the public's priorities, has there been a real reluctance for Republicans to move forward on the issue of Medicare prescription drug coverage this Congress?

Last week, Republicans decided to bring the BBA Refinement Act to the House floor under suspension so that amendments could not be introduced—such as the one based on Representative ALLEN's drug discount proposal. This legislation would have given seniors a price discount on their prescription drugs and permitted beneficiaries to finally purchase medicines at a fair price—bringing an end to the drug companies' price discrimination. And recently, the Ways and Means Republicans all voted against that same amendment offered by my colleague, Representative KAREN THURMAN, to include a discounting provision in the BBA Refinement legislation.

It is this lack of Republican responsiveness that is leading me to file the rule for a discharge petition to bring H.R. 1495 to the floor. There are a number of good proposals out there. Any and all of them would improve the current, deplorable state we are now in. I think we can all agree that the current situation is not working and that the most important step we can now take is to increase access to affordable prescription drugs for our nation's seniors.

TO RECOGNIZE TEACHERS WHO HAVE WON USA TODAY AWARD

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. COLLINS. Mr. Speaker, when USA TODAY selected 29 of America's top teachers for its All-USA Teacher Team, I was proud to learn that 3 of them came from the Third District of Georgia. USA TODAY says the team parallels the All-USA Academic Team which has been selecting outstanding students since 1987.

I want to introduce these teachers to Congress. They represent the best in their profession, not only for their dedication, but for their creativity in designing programs to help children. Each has started an important program that teaches children both in the classroom and outside.

It goes without saying that each of these teachers developed their program on their own. These programs were developed in Columbus and Newnan, not in some bureaucrat's office in Washington, D.C.

Tina Cross, of Carver H.S., in Columbus, is a 25-year teaching veteran. She teaches advanced placement biology and physics. Her students are participating in a space shuttle

science project with North Carolina in sending peanuts into space to examine the effect of zero gravity on the nutrients. She said the peanut industry is also working with the students on the shoe-box-sized experiment.

Cross's students have other, more down-to-earth projects as well. They have raised money to build a Habitat for Humanity house in Tanzania, and in Columbus itself.

She teaches at George Washington Carver High School, which has over 1,700 students. It has science, math, technology, and vocational magnet programs. The school is named for the famous African American scientist George Washington Carver, whose work with peanuts helped revive Southern agriculture and improve nutrition. The peanut project is appropriate, don't you think?

Sylvia Dee Shore, a 30-year teaching veteran at Clubview Elementary in Columbus, teaches third graders. She started the Riverkids Network, which involves over 1,000 children from 18 schools in grades 3 through 8. She started the interdisciplinary river awareness project in 1994. The students sample the Chattahoochee River's waters, do chemical testing, and study insects and other animals found in the river system. They publish a bi-monthly newsletter, and an annual Riverkids Cookbook.

Clubview Elementary has 500 children from grades kindergarten through sixth grade. The school has very strong community roots with second and third generations attending school there.

Dr. Carmella Williams Scott, a 23-year teaching veteran teaches at the Fairmount Alternative School, in Newnan. She concentrates on children who have been sent to the school from juvenile justice departments or who have been expelled from other schools.

She teaches middle and high school students English literature and law. She introduced Cease Fire, which operates a juvenile video courtroom. Students assume the roles in the court of the judges and lawyers. They even film the proceedings and hold open hearings so other students can see what happens.

When students have altercations in the school, they are hauled into court to be judged by their peers, says Dr. Scott. This helps them learn to handle conflict without violence, and to resolve differences without fighting. "They coined the phrase, 'Don't hold a grudge—take it to the judge,'" Dr. Scott says. Her innovative program enhances her students to become a part of the judicial system. "They are tired of being this side of the court, and want to be on the other side of the court," she said. "This teaches them to think on their feet, research the law, and gives them practical skills."

Fairmount Alternative school has 150 students and 12 teachers, and specializes in working with students on a more individualized basis than most schools. Most students attend the school for 9-week stints.

The innovative program has landed Dr. Scott many awards, as well as an appearance on Japanese television.

These teachers have given a lot to the children they have worked with over the years. They have given to their communities. I want to thank them publicly for their effort, and to thank USA TODAY for providing them with this public recognition.

ASSOCIATION OF PACIFIC ISLAND
LEGISLATURES**HON. ROBERT A. UNDERWOOD**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. UNDERWOOD. Mr. Speaker, on September 21–22, 1999, the Association of Pacific Island Legislatures (APIL) Board of Directors held its 36th meeting in the State of Kosrae, Federated States of Micronesia (FSM). APIL is an organization for mutual assistance among representatives of the people of the Pacific Islands composed of legislators from American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), the states of Chuuk, Kosrae, Pohnpei and Yap in the FSM, the island of Guam, the Republic of the Marshall Islands, the Republic of Palau, the state of Hawaii, the Republic of Nauru and the Republic of Kiribati.

As Pacific Island governments continued to advance and develop politically, their leaders recognized the need for unity among those directly involved with the substantive regional and international issues facing the newly formed states. It was deemed necessary for a permanent association of policy makers from the Pacific nations, states, and territories, to meet on a regular basis in order to consider matters of mutual interest in areas where regional cooperation, coordination, exchange and assistance would help individual governments achieve their goals through collective action. Based on a mission statement adopted on July 31, 1991, the Association of Pacific Island Legislatures was formed. On November 23, 1981, its charter officers were named during an organizational planning session held on the island of Guam. Senator Edward R. Duenas of Guam served as APIL's first president with Senate President Olympio T. Borja of the CNMI as his vice president. Senator Elias Thomas of the FSM was designated as secretary and Senator Moses Ulodong of the Republic of Palau was named treasurer.

Issues currently at the forefront of APIL's agenda include Resources and Economic Development, Commerce, Legislation, Energy, Regional Security and Defense, Communications, Cultural Appreciation, Health and Social Services, Education, Agriculture, Air and Sea Transportation, Aquaculture, Sports and Recreation, Youth and Senior Citizens, Tourism, Finance, Political Status, External Relations, and Development Banking. For almost two decades, APIL has remained dedicated towards promoting regional concerns. I congratulate the officers of this term, Senator Carlotta A. Leon Guerrero of Guam, President; Senator Renster Andrew of the FSM, Vice President; Senator Herman P. Semes of the FSM, secretary; Representative Ana S. Teregeyo of the CNMI, treasurer; and Senator Haruo Esang of the Republic of Palau, advisor, for their hard work and dedication. Let us continue our united efforts in the years to come.

RECOGNIZING TIMOTHY E.
HOEKSEMA, RECIPIENT OF THE
1999 INSTITUTE OF HUMAN RELA-
TIONS AWARD**HON. GERALD D. KLECZKA**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. KLECZKA. Mr. Speaker, I rise today to honor Timothy E. Hoeksema, Chairman, President and Chief Executive Officer of Midwest Express Airlines, Inc., who is the recipient of the 1999 Institute of Human Relations Award from the American Jewish Committee.

Mr. Hoeksema is a leading figure in the community and an example of the values of his hometown, Milwaukee, which esteems hard work, honesty and a genuine love of people. Under his leadership the company has distinguished itself as a dynamic and innovative force in the airline industry.

Mr. Hoeksema's support of community groups and functions seemingly knows no boundaries and includes Betty Brinn Children's Museum, Midwest Athletes Against Childhood Cancer, Next Door Foundation, Milwaukee Art Museum, Boys & Girls Clubs of Greater Milwaukee, Eastown and Westown Associations, Habitat for Humanity, Esperanza Unida, Project Equality, American Cancer Society, Florentine Opera, Circus Parade, Skylight Opera Theater, First Stage, Greater Milwaukee Open, Marcus Center for the Performing Arts, Make-A-Wish Foundation, and Riversplash.

Mr. Hoeksema is duly recognized by the American Jewish Committee, which has worked toward intergroup understanding to strengthen a community in which diverse cultures and traditions can flourish. In that regard, he is a fitting recipient of the Institute of Human Relations Award, which is presented to leaders of the business and civic community whose distinguished leadership demonstrates their profound commitment to preserving our democratic heritage.

Each year the American Jewish Committee's Institute of Human Relations honors an outstanding corporate citizen, and it is a fitting tribute, Mr. Speaker, that Timothy A. Hoeksema, who has done so much to support the diverse social fabric of the community, should receive this outstanding recognition.

IN REMEMBRANCE OF GORDON
JOHNSTON**HON. RALPH M. HALL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HALL of Texas. Mr. Speaker, I rise today in honor of a community leader from Longview, TX, the late Gordon Clayton Johnston, Sr., who gave generously of his time and energies to a variety of worthy community causes prior to his death on March 17 of this year.

Mr. Johnston was born in Norphlet, AR, on July 24, 1925, but grew up and lived a majority of his life in Longview. He served in the U.S. Navy in the Pacific Theater and returned to Longview to marry Mildred McHaney in June 1946. He then attended Kilgore Junior

College, serving as drum major for the Ranger Band, and following graduation entered the School of Business at the University of Texas at Austin.

Upon his return to Longview, he entered the oil business with his father, the late E.C. Johnston, Sr. He was a charter member of the First State Bank of Longview Founding Board (presently Longview Bank & Trust) and retired at the end of 1991 after 33 years of service. He also was a charter member of the Longview Savings and Loan Board, which he served for 19 years.

Throughout his life he was active in community service. He was a charter member of the founding board of the Longview YMCA and served continuously for more than 20 years, including two terms as president. He was an officer of the Longview Chamber of Commerce and Junior Chamber of Commerce. He was a community advisor for the Junior Service League (now Junior League of Longview) and served on the United Way Budget Committee. He was a longtime member of Pinecrest Country Club, charter member of the board of the Summit Club and a member of the Cherokee Club.

Mr. Johnston also was devoted to the First Christian Church, where he had been a member since 1946. He served as a deacon and an elder for a number of years and in 1987, along with his wife, Mildred, he received the honor of being named elder emeritus. He served for many years on the church's board and served as chairman for 2 years.

An outdoorsman by nature, he was an ardent supporter of fish and game conservation in Texas, Colorado, and Alabama. He enjoyed ranching, raised and showed Appaloosa horses, and was a member of several hunt clubs.

He is survived by his wife, Mildred; children, Kathy Jackson, Gordon Clayton Johnston, Jr., Mark Johnston, Elaine Kauffman, Beth Ylitalo, and Kent McHaney Johnston; 16 grandchildren, three great-grandchildren, and his brother, E.C. Johnston, Jr., of Longview.

Mr. Speaker, Mr. Johnston is missed by his many friends and his family, but his memory will live on through the legacy that he leaves to his community, his church, and his family. It is an honor to pay my last respects to Gordon Clayton Johnston, Sr.

VETERANS DAY CELEBRATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. VISCLOSKY. Mr. Speaker, Thursday, November 11, 1999, marks the observance of Veterans Day, honoring all veterans who have pledged allegiance to their country and all of its endeavors. This day is set aside to recognize the boldness and bravery of those who have fought to uphold the standards of democracy.

On this Veterans Day, a special ceremony titled, "Salute 1999: An American Patriotic Celebration" will be held at the Radisson Star Plaza Theatre in Merrillville, Indiana. This celebration of patriotism and pride will honor eight local veterans for their dedicated military service. Those veterans that will be honored include: Stanley Bliznik, Eliseo Castaneda,

Alonzo Swann, Jr., Charles Swisher, Zenon Lukosius, Marion Brzezinski, Walter O'Keefe, and Douglas Dettman.

Stanley Bliznik of Highland, Indiana, is a World War II Veteran of the United States Army. He served our country from October 7, 1941 to July 31, 1945 as a member of the Army's 20th Combat Engineer Battalion. Eliseo Castaneda of East Chicago, Indiana, is a United States Marine Corps Veteran. He enlisted in the Marines in July of 1948 and was discharged July, 1952. He arrived in Pusan, Korea the first day of September 1950 and participated in the Pusan Perimeter action, the battle of Kimpo Air Field, and the battle securing Seoul, South Korea. Serving in the Navy during World War II, Alonzo Swann, Jr., of Gary, Indiana is a fine example of one of our American heroes. He received the Victory Medal, American Theater Medal, Purple Heart, Bronze Star Combat V, Asiatic Pacific Medal three stars, Philippine Liberation Ribbon two stars, and the Navy Cross for his dedicated military service. Additionally, Charles Swisher of Crown Point, Indiana, served in the United States Army during World War II on the battlefield in France. He served as a member of the 976th Field Artillery Battalion. Zenon Lukosius of South Holland, Illinois, courageously served our country during World War II. As a member of the United States Navy, Lukosius defended against enemy planes, helped bombard enemy shores, and was involved in the capture of enemy submarines. Marion Brzezinski of Highland, Indiana, served in the United States Army until he was discharged in September of 1945. In 1944, during the Invasion of the Rhineland, he was taken prisoner by the Nazis two days before Christmas and was liberated on April 29, 1945 by the American Forces. After twenty-seven years of faithful service, Walter O'Keefe was discharged from the United States Marine Corps with the rank of 1st Sergeant. O'Keefe hails from Dolton, Illinois where he is a father of three, grandfather of six, and has four great-grandchildren. Douglas Dettman resides in Schererville, Indiana, and served in the United States Army during the Vietnam conflict. Dettman received the Good Conduct Medal, Combat Medic Badge, Purple Heart, Vietnam Gallantry Cross with Silver Star, Distinguished Service Cross, and the Silver Cross for his valorous actions as a medical aid man.

The great sacrifice made by these eight men and those who served our country has resulted in the freedom and prosperity of our country and in countries around the world. The responsibility rests within each of us to build upon the valiant efforts that these men and women who fought for this country have displayed, so that the United States and the world will be a more free and prosperous place. To properly honor the heroism of our troops, we must make the most of our freedom secured by their efforts.

In addition to the eight veterans who are to be honored at this patriotic celebration, I would also like to commend all of those who served this country for their bravery, courage, and undying commitment to patriotism and democracy. May God bless them all.

We will forever be indebted to our veterans and their families for the sacrifices they made so that we can enjoy our freedom. Mr. Speaker, I ask that you and my colleagues join me in saluting these eight men and the other veterans who have fought for our great country.

WELCOMING THE 1999 AEA CLASSIC TO SAN DIEGO

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. CUNNINGHAM. Mr. Speaker, I am honored to recognize the industry, finance and media participants in the 1999 American Electronics Association (AEA) "Classic," an annual meeting linking high-tech industry leaders, entrepreneurs and financial partners that is being held this week in San Diego, California.

It is my great honor to represent one of the nation's most "wired" congressional districts. Within an hour's drive of the AEA Classic gathering lies the entire 51st Congressional District that I represent. It is also home to the global capital of wireless telecommunications, exemplified by firms such as Qualcomm, Ericsson, Motorola and, very soon, Nokia. We are also home to leading participants in the PC and electronics industries, including Gateway, Hewlett-Packard, Sony and others. Major software firms like Peregrine Systems, Intuit and Stac, integrated solutions providers like SAIC, and technologically advanced national security industry employers like TRW, Titan, Cubic, Orincon, CSC, Jaycor, General Atomics and many others, all have either headquarters or major presences in San Diego County.

I have seen the future, and it is made in San Diego in more ways than one.

Our leading technology employers have two things in common: leading-edge ideas, backed with sufficient financing to get them to market and to prepare them for the markets of the future. This principle, bringing great ideas together with the business know-how and the financing necessary to make them succeed, is the motivating purpose for the annual AEA Classic.

The jobs and economic opportunities of the future are being made today at meetings like the AEA Classic, in San Diego today. They are not being created by the government or by regulators or by bureaucrats, but by entrepreneurs with dreams, and by people with resources to make these dreams real. To ensure that these innovations keep coming, I believe that we need to work together to improve education in every community for every person. And we need to keep the long, taxing arm of the federal government out of the way.

The AEA Classic meeting in San Diego deserves Members' attention, because their next purchase, their constituents' next job, or the technology for their next phone call may well depend on its success. Thank you, Mr. Speaker, for permitting me to take note of a major force in the development of America's dynamic high-tech industry.

IN OBSERVANCE OF DUTCH AMERICAN HERITAGE DAY

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. HOEKSTRA. Mr. Speaker, on November 17, 1776, a small American warship, the *Andrew Doria*, sailed into the harbor of the island of Saint Eustatius in the West Indies,

which is a colony of the Netherlands. Only four months before, the United States had declared its independence from Great Britain. The American crew was delighted when the island's governor, Johannes DeGraaf, ordered that his fort's cannons be fired in a friendly salute. As this was first-ever military salute given by a foreign power to the flag of the United States, it was a risky and courageous act. The British seized the island a few years later. DeGraaf's welcoming salute was a sign of respect, and today it continues to symbolize the deep ties of friendship that exist between the United States and the Netherlands.

After more than 200 years, the bonds between the United States and the Netherlands remain strong. Our diplomatic ties, in fact, constitute one of our longest unbroken diplomatic relationships with any foreign country. Fifty years ago, during the Second World War, American and Dutch men and women fought side by side to defend the cause of freedom and democracy. As NATO allies, we have continued to stand together to keep the transatlantic partnership strong and to maintain the peace and security of Europe. In the Persian Gulf we joined as coalition partners to repel aggression and to uphold the rule of law.

While the ties between the United States and the Netherlands have been tested by time and by the crucible of armed conflict, Dutch-American heritage is even older than our official relationship. It dates back to the early 17th century, when the Dutch West Indies Company founded New Netherland and its main settlements, New Amsterdam and Fort Orange—today known as New York City and Albany. From the earliest days of our Republic, men and women of Dutch ancestry have made important contributions to American history and culture. The influence of our Dutch ancestors can still be seen not only in New York's Hudson River Valley but also in communities like Holland, Michigan; Pella, Iowa; Lyden, Washington; and Bellflower, California—where many people trace their roots to settlers from the Netherlands.

Generations of Dutch immigrants have enriched the United States with the unique customs and traditions of their ancestral homeland—a country that has given the world great artists and celebrated philosophers.

On this occasion, we also remember many celebrated American leaders of Dutch descent. At least three presidents, Martin VanBuren, Theodore Roosevelt and Franklin D. Roosevelt, came from Dutch stock. Our Dutch heritage is seen not only in our people but also in our experience as a nation. Our traditions of religious freedom and tolerance, for example, have spiritual and legal roots among such early settlers as the English Pilgrims and the French Huguenots, who first found refuge from persecution in Holland. The Dutch Republic was among those systems of government that inspired our nation's Founders as they shaped our Constitution.

In celebrating of the long-standing friendship that exists between the United States and the Netherlands, and in recognition of the many contributions that Dutch Americans have made to our country, we observe Dutch American Heritage day on November 16. I salute the more than 8 million Americans of Dutch descent and the 16 million people of the Netherlands in celebration of this joyous occasion

CLARIFYING OVERTIME
EXEMPTION FOR FIREFIGHTERS

SPEECH OF

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in strong support of this legislation. I commend the gentleman from Maryland for introducing this bill, and as a former firefighter, appreciate his initiatives to help the firefighters of our nation.

This bill would clarify the overtime exemption for full time firefighters and EMS personnel. This would apply to all firefighters, paramedics, emergency medical technicians (EMS), rescue workers, ambulance personnel, and hazardous materials workers who are employed by a municipality, county, fire district, or state fire department. As the founder of the Congressional Fire and Emergency Services Caucus, and one who has continually kept informed on these issues, I realize the importance of this bill. By giving these men and women the opportunity to be treated fairly in the workplace, we are recognizing that firefighters and EMS personnel are employees that deserve overtime for their valiant efforts. These individuals are professionally trained in fire suppression, and work to keep our communities safe.

Every day across America the story is the same: public officers—be they firefighters, emergency services personnel, or law enforcement officials—leave their families to join the thin red and blue line that protects us from harm. They put their lives on the line as a shield between death and the precious gift of life. Mr. Speaker, I know the dedication of our men and women in the fire community, and know the risks they take each day they do their job.

As we all know, recent Court rulings have stated the EMS personnel do not qualify for the overtime exemption in the Fair Labor Standards Act because the bulk of their time is spent doing non-fire protection activities. This is absurd. During working hours, these men and women sit on alert for the calls that come in, and spend their time working on their fire stations. This legislation is long overdue, and I believe that we are taking the right steps by granting our firefighters this overtime status.

Mr. Speaker, I would like to thank my colleague from Maryland for introducing this important piece of legislation, and I look forward to working with him again on other fire related issues.

HONORING DR. EDOUARD JOSEPH
HAZEL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. TOWNS. Mr. Speaker, I rise today to honor Dr. Edouard Joseph Hazel, an international leader in medicine.

Edouard Joseph Hazel was born on November 10, 1951, in Port-au-Prince, Haiti, the third largest Caribbean country. Dr. Hazel went to

private schools and joined the School of Medicine of the State University of Haiti. He graduated in 1975, and moved to the United States where he obtained his Board Certification in Internal Medicine and Infectious Disease.

Dr. Hazel is currently the Acting Chief of the Department of Medicine of Coler Hospital, where he was instrumental in establishing the first long-term program for patients infected with the HIV virus. In spite of his busy schedule with this municipal hospital, Dr. Hazel is also completing a term as the President of the New York State Chapter of the Association of Haitian Physicians Abroad, and is the current general secretary for the national committee of this organization of some 2,000 American physicians.

Dr. Hazel is at the forefront of the movement that ultimately defeated discriminatory policies and practices of the FDA and the CDC against Haitian Americans who were singled out as the carriers of the HIV virus. During his tenure, he visited the U.S. Base of Guantanamo, Cuba, where HIV-infected Haitian refugees were held and helped articulate the legal argument to ensure that this group received appropriate medical care. He was also one of the first scientists who recognized the danger that the HIV virus could represent for people of color all over the world.

Dr. Hazel also understands the importance of coalition building and works closely with numerous organizations such as the Hispanic American Physician Association, the Providence Society, the local chapter of the National Medical Association, and the Caribbean Health Association, to name a few. Dr. Hazel is also the current Director of the Visiting Physician Program of the Health and Hospital Corporation at Coler Goldwater Hospital, a program that has provided extensive training in the diagnosis and the management of transmissible diseases to physicians practicing in the Dominican Republic.

Fully aware of the changes taking place in the health care industry, Dr. Hazel has been vehemently working to increase the participation of minority professionals in shaping a better health care system.

Mr. Speaker, I would like you and my colleagues from both sides of the aisle to join me in honoring Dr. Edouard Joseph Hazel.

MEDICARE, MEDICAID AND SCHIP
BALANCED BUDGET REFINEMENT
ACT OF 1999

SPEECH OF

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 5, 1999

Mr. RYUN of Kansas. Mr. Speaker, I have heard over and over from the health care professionals and the Medicare patients in the 2nd District of Kansas about how devastating the unintended consequences of the Balanced Budget Act have been on the Medicare system.

The BBA's attempt to reduce waste and fraud and prolong the life of Medicare by reducing reimbursements has unfortunately resulted in less care per patient, especially in rural Kansas. From 1997 to 1998 the average reimbursement per patient in Kansas dropped

from \$4,060 to \$2,642 and the average number of visits per patient dropped from 65 to 42. We can be certain that these figures do not reflect a sudden dramatic increase in healthy seniors.

Too many seniors have watched their rural hospital or home health clinic close or are denied care as a result of the budget cuts. In Kansas alone, 60 Home Health Agencies have closed their doors over the last two years. It's time for us to reverse the Balanced Budget Act's death sentence on Medicare and the Health Care Financing Administration's poor interpretation of the Act.

I was particularly pleased when Chairman THOMAS, the author of this bill, came to Kansas to hear first hand the concerns of health care providers in my district. I know the Chairman took these concerns and so many others from around the country into consideration when he drafted this legislation.

The Medicare Balanced Budget Refinement Act is a positive step toward halting the closing of home health agencies and rural hospitals and will ensure greater patient access to quality care. Particularly significant to keeping the doors of home health agencies open is the delay of the 15% payment reduction until a year after implementation of the prospective payment system. The Act also recognizes the paperwork burden the OASIS questionnaire places on nurses and agency staff and provides a \$10 payment for each patient requiring this paperwork. The Medicare cuts for home health agencies were deep, and we cannot continue to expect agencies to do more with less. More importantly, many seniors will be able to remain in their homes rather than checking into hospitals and nursing homes.

Small rural hospitals have also suffered from the BBA as their limited budgets have been stretched thin. The Medicare Balanced Budget Refinement Act assists small rural hospitals with the cost of transition to the new prospective payment system through the availability of up to \$50,000 in grants to purchase computers, train staff and cover other cost associated with the transition. The Act eliminates the requirement for states to review the need for swing beds through the Certificate of Need (CON) process. It also eliminates the 5 constraints on length of stay providing flexibility for hospitals with under 100 beds to participate more extensively in the Medicare swing bed program.

Mr. Speaker, I voted against the Balanced Budget Act in 1997 largely because of the negative impact it would have on rural health care. I support H.R. 3075 because it goes a long way to correct the problems with the current system.

CONFERENCE REPORT ON S. 900,
GRAMM-LEACH-BLILEY ACT

SPEECH OF

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 4, 1999

Mr. ROYCE. Madam Speaker, the historic legislation that we are considering today, is a win for the consumer, a win for the U.S. economy and a win for America's international competitive position abroad.

American consumers will benefit from increased access, better services, greater convenience and lower costs. They will be offered

the convenience of handling their banking, insurance and securities activities at one location. More importantly, with the efficiencies that could be realized from increased competition among banks, insurance, and securities providers under this proposal, consumers could ultimately save an estimated \$18 billion annually.

Federal Reserve Chairman Alan Greenspan has stated that "Consumers of financial services are denied the lower prices, increased access and higher quality services that would accompany the increased competition associated with permitting banking companies to expand their activities."

This reduction in the cost of financial services, in turn, is a big win for the U.S. economy. Finally, this legislation is a win for America's international competitive position, as it will allow U.S. companies to compete more effectively with foreign firms for business around the world.

As the Federal Reserve Chairman stated, "We cannot afford to be complacent regarding the future of the U.S. banking industry. The issues are too important for the future growth of our economy and the welfare of our citizens."

This legislation is thirty years overdue Mr. Speaker, and I urge my colleagues not to delay its passage a day longer.

At this time, I would like to make a few clarifying remarks.

Included in Title VI of the bill before us are complex changes in the structure of the Federal Home Loan Bank (FHLBank) System. I believe these changes will enhance the ability of the System to help member institutions serve their communities, though there is enormous work yet to be done to implement these initiatives. Consequently, at the risk of redundancy, it is important to reiterate the view expressed in the Conference regarding related regulatory actions.

As noted in the Committee Report, the Conferees acknowledged and supported withdrawal of the Financial Management and Mission Achievement (FMMA) rule proposed earlier this year by the Federal Housing Finance Board (FHFB), the FHLBank System regulator. The FMMA would have made dramatic changes in such areas as mission, investments, liquidity, capital, access to advances and director/senior officer responsibilities. Because of serious concerns over the FMMA's impact on FHLBank earnings, its effect on safety and soundness and its legal basis, the proposal has been intensely controversial among the FHLBanks' membership, with over 20 national and state bank and thrift trade associations calling for a legislated delay on FMMA.

Many Conferees not only shared these concerns but also felt strongly that the FMMA should not be pursued while the FHLBank System is responding to the statutory changes in this bill. There was great sympathy for a moratorium blocking the FMMA, but prior to the matter coming to a vote, Chairman Morrison of the FHFB sent a letter to Chairmen GRAMM and LEACH agreeing to withdraw the proposal, which I want to make sure is part of the RECORD. He also promised to consult with the Banking Committees regarding the content of the capital rules and any rules dealing with investments or advances. The FHFB's commitment not to act precipitously in promulgating regulations in these areas creates the

proper framework for effective and timely implementation of the reforms that Congress is seeking to put in place.

The regulatory standstill to which the FHFB has committed should apply to any final rules or policies applicable to investments, and the FHFB should maintain the current \$9 billion ceiling on member mortgage asset pilot programs or similar activities. In the context of dramatic impending changes in the capital structure of the FHLBanks, I believe it is necessary for the FHFB to refrain from any effort otherwise to rearrange the FHLBanks' investment framework, liquidity structure and balance sheets.

Finally, Mr. Speaker I would like to note that it is my understanding that credit enhancement done through the underwriting and reinsurance of mortgage guaranty insurance after a loan has been closed are secondary market transactions included in the exemption for secondary market transactions in section 502(e)(1)(C) of the S. 900 Conference Report.

FEDERAL HOUSING FINANCE BOARD,
Washington, DC, October 18, 1999.

Hon. PHIL GRAMM,
Chairman, Committee on Banking, Housing,
and Urban Affairs, Washington, DC.

Hon. JIM LEACH,
Chairman, Committee on Banking and Financial Services, Washington, DC.

DEAR SENATOR GRAMM AND CONGRESSMAN LEACH: As you proceed to consider legislation to modernize the Federal Home Loan Bank System as part of the S. 900/H.R. 10 conference, I am aware that there is substantial concern regarding our proposed Financial Management and Mission Achievement regulation (FMMA). Unfortunately, this legitimate concern regarding a far-reaching regulatory initiative has resulted in a proposal for a statutory moratorium on our regulatory authority. Despite the best efforts of well-meaning advocates, such statutory language can only lead to serious ambiguity and potential litigation over the independent regulatory authority of the Finance Board.

Therefore, this letter is intended to give you and your colleagues on the Committee of Conference solid assurances about our intentions upon final enactment of the statute being drafted in conference. Upon such enactment, the Finance Board will: 1. Withdraw, forthwith, its proposed FMMA. 2. Proceed in accordance with the statutory instructions regarding regulations governing a risk-based capital system and a minimum leverage requirement for the Federal Home Loan Banks. 3. Take no action to promulgate proposed or final regulations limiting assets or advances beyond those currently in effect (except to the extent necessary to protect the safety and soundness of the Federal Home Loan Banks) until such time as the regulations described in number 2 have become final and the statutory period for submission of capital plans by the Banks has expired. 4. Consult with each of you and your colleagues on the Banking Committees of the House and the Senate, regarding the content of both the capital regulations and any regulations on the subjects described in number 3, prior to issuing them in proposed form.

I believe that these commitments cover the areas of concern which have lead to a proposal for moratorium legislation. You can rely on this commitment to achieve those legitimate ends sought by moratorium proponents without clouding the necessary regulatory authority of the Finance Board which could result from statutory language.

Thank you for your consideration.

Sincerely,

BRUCE A. MORRISON.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted a leave of absence for Monday, November 8, 1999.

I would respectfully request that the CONGRESSIONAL RECORD reflect the way in which I would have voted had I been present. The votes are as follows: Rollcall Vote 574—H. Res. 94 On Motion to Suspend the Rules and Agree, Recognizing the generous contribution made by each living person who has donated a kidney to save a life; on rollcall vote 574, I would have voted "yes."

Rollcall Vote 575—H.R. 2904 On Motion to Suspend the Rules and Pass, as Amended, to Reauthorize Funding for the Office of Government Ethics; on rollcall vote 575, I would have voted "yes."

Rollcall Vote 576—H. Res. 344 On Motion to Suspend the Rules and Agree to Recognizing and Honoring Payne Stewart and Extending Condolences to his family and the families of those who died with him; on rollcall vote 576, I would have voted "yes."

HONORING JIM AND CATHY THOMPSON AND THE TOWN OF KILLINGWORTH FOR THE 1999 ROCKEFELLER CENTER CHRISTMAS TREE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. DeLAURO. Mr. Speaker, I rise today to pay tribute to the Thompsons and other residents of Killingworth, Connecticut who will provide a 100 foot tall spruce tree that will serve as New York's Rockefeller Center Christmas tree. I am proud, as are the residents of Killingworth, of the special role our tree will play in the national celebration of the holiday season.

This amazing Norway Spruce tree currently stands along side the farmhouse of Jim and Cathy Thompson. When Henry Marquard planted this tree 100 years ago, he never could have imagined its ultimate fate. But now the Thompsons find themselves the proud "parents" of what is to be the tallest tree in Rockefeller Center history.

The tree was first spotted by helicopter last April and later selected by Rockefeller Center officials as the 1999 Christmas tree. Over the summer the huge tree was carefully maintained, despite a record-setting drought. The people of the small town of Killingworth also managed to maintain a huge secret. The public did not know that this tree would become the Rockefeller Center Christmas tree until this week. The secret broke when the state police began to guard the tree around the clock. It will soon be carefully cut down and transported to New York City's Rockefeller Center, where it will stand throughout the holiday season.

The Rockefeller Center Christmas tree is world-renowned. It has been capturing the

magic of the holiday season for generations. This year it carries a special significance as the tree that will usher in the new millennium. We in the Third District of Connecticut are especially proud that our tree was chosen for this special year. We are also proud of how the tree will be used after the holiday season. At the conclusion of its stately reign, the branches will be mulched for use at a camp in New Jersey, and its trunk will be cut into sections for use at the U.S. Equestrian Center, where the U.S. Olympic team will practice.

While the Thompsons, and the people of Killingworth, will surely be sad to see the tree leave home, they are undoubtedly thrilled that the world will see one of the many wonders of their small town. I rise today to acknowledge this once-in-a-lifetime event for the Thompsons and this great honor for the citizens of Killingworth.

CONFERRING STATUS AS AN HONORARY VETERAN OF THE UNITED STATES ARMED FORCES ON ZACHARY FISHER

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 2, 1999

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Zachary Fisher, a true American patriot. H.J. Res. 46 passed unanimously today, and I would like to thank Mr. Fisher's surviving family and his friends for their continued commitment to the men and women who put their lives on the line for our country. Without their support, this legislation would not have been possible.

First, I would like to thank Mrs. Elizabeth Fisher, his devoted wife who worked alongside Zach to help our service men and women; his brother, Larry Fisher; and his nephews, Anthony and Arnold Fisher who are carrying on his work. I would also like to thank his close friends, whose energies and expertise brought to life the many contributions Zach made—Mike Stern, a close and valued friend; Bill White, longtime Chief of Staff to Mr. Fisher and his dear friend Mary Asta.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent Monday, November 8, 1999, and as a result, missed rollcall votes 574 through 576. Had I been present, I would have voted "yes" on rollcall vote 574, "yes" on rollcall vote 575, and "yes" on rollcall vote 576.

PERSONAL EXPLANATION

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. REYES. Mr. Speaker, on Friday, November 5, 1999, I was away on official busi-

ness and missed rollcall votes 571, 572, and 573. Had I been present, I would have voted "yes" on the following: Rollcall vote No. 571, the Young Amendment to H.R. 3196; rollcall vote No. 572, final passage of H.R. 3196 (the Foreign Operations Appropriations bill for Fiscal Year 2000); and rollcall vote No. 573, H.R. 3075 (the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act).

EXPANSION OF IRS SECTION 1032

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, today I am introducing a modest bill which builds on the recommendations of the Department of the Treasury and the New York State Bar Association. This legislation applies section 1032, which was added in 1954 to the Internal Revenue Code, to all derivative contracts. The impact of this change is to prohibit corporations from recognizing gain or loss in derivative transactions to the extent the derivative purchased by the corporation involves its own stock.

Section 1032 states that a corporation generally does not recognize gain or loss on the receipt of money or other property in exchange for its own stock. In addition, a corporation does not recognize gain or loss when it redeems its own stock for cash. Section 1032 as originally enacted simply recognized that there was no true economic gain or loss in these transactions. However, the 1984 Deficit Reduction Act extended this policy to option contracts, recognizing the potential for tax avoidance inherent in these contracts. Since that time the financial industry has developed a number of new types of derivative products. My legislation merely updates current law to include in section 1032 current and future forms of these new types of financial instruments.

On June 16, 1999 the New York State Bar Association issued a report on section 1032 which recommended the changes discussed above. In addition, building on the work of the Treasury Department's budget recommendation, the New York State Bar Association also recommended that Congress require a corporation that retires its stock and "substantially contemporaneously" enters into a contract to sell its stock forward at a fixed price, to recognize as income a time-value element. In effect, these two transactions provide a corporation with income that is economically similar to interest income but is tax-free. This legislation includes a provision that recognizes a time-value element, i.e., the version recommended by the Bar Association. The effective date of this legislation is for transactions entered into after date of enactment.

The problem identified in 1984, and in 1999 by the Department of the Treasury, is best described in the New York State Bar Association Report. The report states:

We are concerned that all the inconsistencies described above (both in the general scope of section 1032 and in its treatment of retirements combined with forward sales) present whipsaw and abuse potential; the government faces the risk that income from some transactions will not be recognized even though those transactions are economi-

cally equivalent to taxable transactions. In addition, the government faces the risk that deductions are allowed for losses from transactions that are equivalent in substance to transactions that would produce nontaxable income, or—because taxpayers may take different positions under current law—even in the same form as such transactions. To avoid these inconsistencies, we believe it is necessary to amend section 1032. . . .

Mr. Speaker, I consider the legislation I am introducing today to be a normal house-keeping chore, something the Committee on Ways and Means has done many times in the past and hopefully will do so in the future. As such, I hope it will be seen both in Congress and in the industry as relatively noncontroversial, and that it can be added to an appropriate tax bill in the near future. I do hope, however, that the industries affected will provide written comments on technical changes they believe need to be addressed in this legislation as introduced, especially on the time value of money section of the bill.

RONALD STARKWEATHER SCHOLARSHIP FUND

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. REYNOLDS. Mr. Speaker, I rise today to honor both a community and an individual.

On Wednesday, November 10, 1999, a fund-raising reception will be held in Rochester, New York, to benefit the Ronald Starkweather Scholarship Fund. The scholarship will be awarded to a student at Monroe County Community College, who meets certain academic criteria, and continues their education at a four-year college or university in Monroe County.

The Ronald Starkweather Scholarship Fund will do more than provide financial assistance to local students. It will honor a man who meant so much to our area.

Ron Starkweather passed away last September. He served as a Commissioner of the Monroe County Board of Elections from 1985 until his death. It would be difficult to list all of Ron's associations, activities and contributions to his community, for they could easily fill a volume of this CONGRESSIONAL RECORD.

A graduate of my alma mater, Springville Griffith Institute, and Roberts Wesleyan College, Ron was active in organizations such as the United Way, Chamber of Commerce and rotary Club. Ron began his professional career as a teacher at SGI and then at the Churchville-Chili High School. At both schools he coached athletics.

Ron served as Chairman of the Monroe County Republican Committee for a decade. As a political and government leader, countless people called upon him for his counsel, leadership and advice.

Ron will be deeply missed by all those who knew him and, like me, were able to call him friend. But through the Ronald Starkweather Scholarship Fund, Ron will live on not just in our hearts, but in the future of our community.

IN TRIBUTE TO WALTER P.
KENNEDY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 9, 1999

Mr. GILMAN. Mr. Speaker, earlier this month we in the House received heartbreaking news about the death of Walter P. Kennedy Jr.

Walter was Minority Sergeant of Arms when I began my career here in 1973. He was always willing and eager to help out fledgling freshman Members, and was of incalculable help in assisting us learn the ins and outs of life in the Congress. Much of the advice he gave us saved hours of time as he showed us

the short cuts so crucial to us as we assumed the burdens of office.

When Walter retired in 1993, he was concluding a highly successful 43 year career in the House, which began when he was appointed Administrative Assistant to Rep. Gordon Canfield of New Jersey. Eventually, Walter moved on to the leadership offices where he served as minority Sergeant at Arms under four Minority Leaders—Charles Halleck, Gerald Ford, John Rhodes, and Bob Michel.

Walter led a full, productive life, devoting countless hours to the Boy Scouts, to the Catholic Committee on Scouting, to various parish activities at Holy Redeemer Catholic Church, and the Knights of Columbus. After retiring from the House, Walter began a new career as Chairman and CEO of The Kennedy

Group Companies, a political consulting, fundraising and public relations firm.

Walter was born in England to Irish parents 78 years ago, and came with his family to Paterson, New Jersey at the age of 3. He served with distinction in World War II as an army medic in the European theater. He subsequently graduated from Seton Hall University and the Georgetown University law school.

Walter married Ana L. Bou of Kensington, Maryland, in 1946. Ana and Walter remained together until his death, enjoying a 53 year union which produced seven children, and 12 grandchildren.

To Walter's extended family, Mr. Speaker, we extend our deepest condolences, with the recognition that his loss is felt by many of us whose lives Walter P. Kennedy had touched.